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TO

Punjab Government Gazette

FOR HALF YEAR ENDING

30TH JUNE 1899.

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Published by Authority.

LAHORE, THURSDAY, JANUARY 5, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 24TH, 1898.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 19th December, 1898.

No. 570.—Mr. Baij Nath, Assistant Engineer, 3rd Grade, Assam, is transferred to Punjab.

T. HIGHAM,

Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 31ST, 1898.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Calcutta, the 30th December, 1898.

No. 998.—The services of Mr. R. M. Dane, C.I.E., of the Indian Civil Service, are placed at the disposal of the Finance and Commerce Department, with effect from the 20th December, 1898.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

POST OFFICE.

Calcutta, the 26th December, 1898.

No. 5664-*S.R.*—In exercise of the power conferred by Section 10 (1) of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to declare that the entry of Zanzibar should be omitted from, and Ascension, Barbados, Bermuda, British Guiana, British Honduras, Johore, Perak, Selangore, Negri Sembilan, Pahang, Sarawak, Natal, Newfoundland and the Bahama Islands should be added to, the list of British Possessions appended to the Notification in this Department, No. 4832-S.R., dated the 4th November, 1898, published in Part I of the *Gazette of India* of the 5th idem.

W. S. MEYER,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 30th December, 1898.

SPECIAL.

No. 1397.—With reference to Article 280, Army Regulations, India, Volume I, Part I, the undermentioned officer, having been absent from military duty for ten years, is transferred to the supernumerary list, with effect from the date specified :—

Captain F. P. Young, Assistant Commissioner, 1st Grade,—24th December 1898.

P. J. MAITLAND, *Major-General*,

Secretary to the Government of India.

FROM THE " GAZETTE OF INDIA, " EXTRAORDINARY, DATED JANUARY 2ND, 1899.

INDIAN EMPIRE.

NOTIFICATION.

Fort William, the 31st December 1898.

His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that Her Majesty the QUEEN, EMPRESS OF INDIA, has been graciously pleased to make the following appointments to the said Order :—

To be Knights Commanders.

* * * * * *

Kunwar HARNAM SINGH, AHLUWALIA, C.I.E., of Kapurthala.

* * * * * *

To be Companions.

* * * * * *

JOHN SIME, Esquire, M.A., LL.D., Director of Public Instruction in the Punjab.

* * * * * *

Khán Bahádur DHANJIBHAI FAKIRJI COMMODORE, of Ráwalpindi.

* * * * * * * *

By Order of the Grand Master,

W. J. CUNINGHAM,

Secretary to the Most Eminent Order of the Indian Empire.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 31st December 1898.

His Excellency the Viceroy and Governor-General is pleased to confer the title of Nawáb as a personal distinction upon—

Khán Muhammad Hyát Khán, C.S.I., late Divisional Judge in the Punjab.

Lieutenant-Colonel Sardár Muhammad Aslam Khán, C.I.E.

His Excellency the Viceroy and Governor-General is pleased to confer the title of Khán Bahádur as a personal distinction upon—

Khán Sáhib Arbáb Faríd Khán, Commandant of the Hazára Border Military Police.

* * * * *

Khwája Usaf Shah, Honorary Magistrate of Amritsar in the Punjab.

* * * * *

Subedár-Major Ghulám Sádik Khán, Kohát Border Military Police.

* * * * *

His Excellency the Viceroy and Governor-General is pleased to confer the title of Rái Bahádur as a personal distinction upon—

Pandit Jánki Parshád, Extra Assistant Commissioner in the Punjab.

* * * * *

Boota Singh, ofRáwalpindi.

* * * * *

His Excellency the Viceroy and Governor-General is pleased to confer the title of Khán Sáhib as a personal distinction upon—

* * * * * *

Munshi Muhammad Azím, Extra Assistant Commissioner in the Punjab.

Kádir Bakhsh Khán, Amdani, of the Dera Ghází Khan District in the Punjab.

* * * * * *

His Excellency the Viceroy and Governor-General is pleased to confer the title of Rái Sáhib as a personal distinction upon—

Lála Gopál Dás, Extra Judicial Assistant Commissioner in the Punjab.

Lála Arjan Dás, Extra Assistant Commissioner in the Punjab.

Lála Raghunandan Lál, Sub-Engineer, Public Works Department, Punjab.

Lála Murli Dhar, Pleader of Umballa.

* * * * * *

His Excellency the Viceroy and Governor-General is pleased to confer the title of Sardár as a personal distinction upon Bhái Kishen Singh of Kurram.

W. J. CUNINGHAM,
Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

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LAHORE, THURSDAY, JANUARY 12, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JANUARY 7TH, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Calcutta, the 6th January 1899.

No. 10.—The services of Lieutenant-Colonel J. B. Hutchinson are replaced at the disposal of the Government of the Punjab, with effect from the 20th December 1898.

MEDICAL.

The 4th January 1899.

No. 22.—The services of Captain E. R. Parry, M.B. C.M., I.M.S. (Bengal), are placed temporarily at the disposal of the Government of the Punjab, with effect from the 12th November 1898.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

FORESTS.

Calcutta, the 6th January 1899.

No. 18 *F.*—The undermentioned officers, who have been appointed by Her Majesty's Secretary of State to the Forest Department of India, are appointed to be Assistant Conservators of the 2nd Grade, with effect from the dates specified opposite their names, and are posted to the provinces noted below :—

Mr. A. J. Gibson, Punjab, 18th November 1898.

*   *   *   *   *   *   *   *

T. W. HOLDERNESS,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

LEAVE AND APPOINTMENTS.

Calcutta, the 5th January 1899.

No. 36 *Gl.*—Mr. R. M. Dane, C.I.E., of the Indian Civil Service, is appointed Commissioner, Northern India Salt Revenue, with effect from the 20th December 1898.

W. S. MEYER,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 6th January 1899.

RETIREMENTS.

No. 10.—The undermentioned officers have been permitted by the Secretary of State for India to retire from the service with effect from the dates specified, subject to Her Majesty's approval:—

* * * * * * * *

Lieutenant-Colonel George Frederick Nicholson, M.D., Indian Medical Service, Bengal, Civil Surgeon, Mooltan—23rd February 1899.

* * * * * * * *

MEDALS AND DECORATIONS.

No. 23.—His Excellency the Governor-General of India has been pleased to confer the Volunteer Officers' Decoration upon the undermentioned officers of the Indian Volunteer Force, who have been duly recommended for the same under the Royal Warrant of 24th May 1894 (India Army Circulars of 1894, clause 101):—

1st Punjab Volunteer Rifles—

Captain Frederick James Raynor.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 28th December 1898.

No. 576.—It is hereby notified that, subject to the conditions laid down in Rule IV of Public Works Department Resolution No. 36-A.E., dated 9th February 1893, published in Notification No. 55 of the same date, one vacancy in the Superior Accounts Branch of the Public Works Department will be open to competition at the next Examination for admission into that branch of the service.

F. R. UPCOTT,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

RULE REGULATING THE PROMOTION OF OFFICERS BELONGING TO THE GRADED AND INDIAN EDUCATIONAL SERVICES.

No. 9-19.

Extract from the Proceedings of the Government of India, Home Department (Education), dated the 6th January 1899.

READ—

Home Department Resolution on the subject of the re-organisation of the Educational Services in India No. $\frac{4 \text{ (Education)}}{204-215}$, dated the 23rd July 1896.

Read also—

Paragraph 5 of a letter from the Government of Bengal, No. 2088, dated 29th July 1897, suggesting a rule for the regulation of promotions to the first two classes of the graded service of the Educational Department and admission to the special allowances in the Indian Educational Service.

Letter to the Government of Bengal, No. 341, dated the 11th December 1897 (paragraph 5) on the same subject.

Circular to Local Governments and Administrations, Nos. 343—347, dated the 11th December 1897, and the replies to that circular

RESOLUTION.

IN paragraph 15 of Home Department Resolution No. $\frac{4 \text{ (Education)}}{204-215}$, dated the 23rd July 1896, prescribing the re organization of the Educational Services in India, it was stated that no officer in the Graded Educational Service should suffer by the re-organization of the Department, and that every European Officer who had been permanently appointed to the graded list would be given the option of coming under the new scheme, or of continuing on the Graded List and obtaining promotion as vacancies occur in it, subject to the condition that only those considered fit for promotion would be promoted. In accordance with the option granted to them many officers have elected to come under the new scheme whilst others have preferred to remain in the Graded Service. There thus exist side by side the new Indian Educational Service and the old Graded Service, the latter being composed of such officers of that service as did not elect the new scheme. Some doubt has been expressed as to how the co-existence of the two services should affect the promotion and emoluments of the officers belonging to each of them.

2. Prior to the constitution of the Indian Educational Service the officers of the Graded Educational Service were classed as follows:—

1st class on	Rs. 1,250—50—1,500
2nd „	„ 1,000—50—1,250
3rd „	„ 750—50—1,000
4th „	„ 500—50— 750

The salaries and allowances of officers of the Indian Educational Service are prescribed in paragraphs 8—10 of the Resolution of the 23rd July 1896, *viz.*:—

(*a*) First or probationary period of five years, Rs. 500—50—750.

(*b*) Second period, Rs. 750—50—1,000, the maximum being attained at the end of ten years from first appointment.

(*c*) After fifteen years' service a special allowance of Rs. 100 to officers whose total salary does not exceed Rs. 1,000 and who are considered by the Local Government to merit this increase of pay.

(*d*) Two classes of special personal allowances of Rs. 200—10—250 and Rs. 250—50—500, respectively, to correspond with the higher rates of pay in the Graded Service. These allowances are—

(*i*) attached to specified offices, *e. g.*, the allowance granted to the Principal of the Presidency College, Madras ; and

(*ii*) granted to the senior officer of a class (whether given solely by seniority, or by seniority tempered by considerations of merit), *e. g.*, the allowances given to senior Inspectors, senior Principals, etc.

3. In a letter of the 29th July 1897, the Government of Bengal suggested the following rule for regulating the promotion both of the officers remaining in the Graded Service and of the officers electing the Indian Service :—

No officer to whichever service he may belong will have any claim to permanent promotion, be it to class I or II of the Graded Service, or to one of the staff allowances in the Indian Educational Service, till such time as he would have had a legitimate expectation of preferment on the supposition that all the Educational Department officers, who were in the Graded List on the 1st August 1896, had elected for the particular service to which he belongs.

The Government of India consulted the other Local Governments and Administrations on this proposal and also enquired how the rules had in practice been worked in other provinces.

4. After considering the replies the Governor-General in Council has come to the conclusion that the principle of the rule proposed by the Government of Bengal is equitable. It would not be reasonable that an officer of the Graded Service should be graded promotion before it would in ordinary course have come to his turn because his seniors have elected to enter the Indian Service. Nor would it be reasonable that an officer of the Indian Service should be granted one of the special allowances which is given by seniority whilst there remain officers senior to him who would have been granted the allowances had they not elected to remain in the Graded Service. His Excellency in Council is therefore pleased to prescribe the general adoption of the rule proposed by the Government of Bengal, subject to the exception stated in the next paragraph.

5. In Bengal all the special allowances granted under paragraph 10 of the Resolution of the 23rd July 1896 to officers of the Indian Educational Service are ordinarily given by seniority, but as is stated in paragraph 2 above, this is not everywhere the case. In other Provinces special allowances are attached to particular appointments such as the Principalships of Colleges. Allowances which are thus attached to particular appointments should be drawn by the officers of the Indian Educational Service who hold those appointments, irrespective of whether there may be officers senior to them on the Graded List.

6. In giving effect to the orders contained in this Resolution no refunds should be ordered in cases in which excess payments may have already been made up to this date, and in order to prevent any sense of injustice from past misunderstanding, an officer on the Graded List whose position may be affected by the orders should again be given the option of electing for the Indian Educational Service.

ORDER.—Ordered, that a copy of this Resolution be circulated to Local Governments and Administrations for information and guidance and to the Department of Finance and Commerce for information.

Ordered also, that the Resolution be published in the *Supplement to the Gazette of India.*

[True Extract].

A. H. L. FRASER,

Offg. Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

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LAHORE, THURSDAY, JANUARY 19, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JANUARY 7TH, 1899.

HOME DEPARTMENT.

PROCLAMATION.

PUBLIC.

No. 37.

Calcutta, the 6th January, 1899.

WHEREAS the Right Honourable George Nathaniel, Baron Curzon of Kedleston in the County of Derby, in the Peerage of Ireland, has been appointed by Her Majesty to be Her Viceroy and Governor-General of India, and has assumed the said office, the said appointment is hereby notified, and it is proclaimed that the said Right Honourable Lord Curzon, Viceroy and Governor-General of India, has this day taken his seat in His Excellency's Council.

By order of His Excellency the Viceroy and Governor-General of India in Council.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED JANUARY 14TH, 1899.

HOME DEPARTMENT.

MEDICAL.

Calcutta, the 13th January, 1899.

No. 64.—His Excellency the Viceroy and Governor-General has been pleased to make the following appointments on His Excellency's Personal Staff, with effect from the 6th January 1899:—

To be Honorary Assistant Surgeons.

* * * * * *

Assistant Surgeon Mehr Chand, Rái Bahádur, Punjab.

* * * * * *

Assistant Surgeon Brij Lál Ghose, Rái Bahádur, Punjab.

* * * * * *

SANITARY.

PLAGUE.

The 12th January, 1899.

No. 135.—In exercise of the powers conferred by section 2, sub-section (*1*), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to prohibit the bringing of used apparel and bedding (except when carried as the personal baggage of travellers), rags and waste-paper into any part of British India from the Anantapur, Bellary, Kurnool, Salem and North Arcot Districts of the Madras Presidency; the Naldrug, Gulburga, Bidar and Lingsugur Districts of the Hyderabad State; the Civil and Military Station of Bangalore; and the Mysore State.

2. Home Department Notification No. 2136, dated the 25th August 1898, is hereby cancelled.

ECCLESIASTICAL.

The 10th January, 1899.

No. 6.—The Reverend H. T. Ottley, a Junior Chaplain on the Bengal (Calcutta) Ecclesiastical Establishment, to be a Senior Chaplain, with effect from the 15th January 1899.

The 13th January, 1899.

No. 11.—The services of the Reverend A. Saunders Dyer, Chaplain of Mhow, Central India, are placed at the disposal of the Government of the Punjab, with effect from the 28th December 1898, or the subsequent date on which he may assume charge of his duties.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 13th January, 1899.

APPOINTMENTS.

MEDICAL DEPARTMENT.

No. 24.—Lieutenant-Colonel A. Deane, M.D., Indian Medical Service (Bengal), is granted the temporary rank of Colonel, with effect from 21st November 1898, whilst officiating as Inspector-General of Civil Hospitals, Punjab, during the absence on furlough of Colonel D. O'C. Raye, M.D., Indian Medical Service.

PERSONAL STAFF.

No. 26.—The Viceroy and Governor-General has been pleased to make the following appointments on His Excellency's personal staff, with effect from the 6th January 1899 :—

To be Honorary Aides-de-Camp.

* * * * * *

Lieutenant-Colonel D. P. Masson, V D., C.I.E., 1st Punjab Volunteer Rifles.

* * * * * *

To be Honorary Surgeons.

* * * * * *

Colonel D. O'C. Raye, M.D., Indian Medical Service.

* * * * * *

Lieutenant-Colonel S. H. Browne, M.D., C.I.E., Indian Medical Service.

* * * * * *

P. J. MAITLAND, *Major-General*,
Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 7th January, 1899.

No. 45.—The services of Civil Assistant Surgeon Udai Bhan, of the Imperial Establishment, are placed at the disposal of the Government of the Punjab.

J. T. W. LESLIE, *M. B., Major, I.M.S.*,
for *Director-General, Indian Medical Service.*

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 26, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 24TH, 1898.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 22nd December 1898.

No. 2534.—The following clause is added to Rule XII of the Rules for the transmission of memorials to Her Majesty's Government published in Home Department Notification No. 707, dated the 29th March 1878 :—

(12) When a memorial is an appeal against orders refusing the grant of a pension to an inferior servant who is not eligible for such grant under the pension rules.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED JANUARY 21ST, 1899.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 20th January 1899.

No. 200-*I.A.*—In exercise of the powers conferred by section 2, sub-section (1), of the Epidemic Diseases Act, 1897, (III of 1897), as applied by the Notification of the Government of India in the Foreign Department, No. 443-I.A., dated the 4th February 1897, to all territories in India which are under the administration of the Governor-General in Council, but are not part of British India, including all railway lands and the territories for

the time being administered by the Agent to the Governor-General in Baluchistan as such Agent, the Governor-General in Council is pleased to prohibit the bringing of used apparel and bedding (except when carried as the personal baggage of travellers), rags, and waste paper from the Anantapur, Bellary, Kurnool, Salem and North Arcot Districts of the Madras Presidency; the Naldrug, Gulburga Bidar and Lingsugur Districts of the Hyderabad State; the Civil and Military Station of Bangalore; and the Mysore State, into any part of the territories first aforesaid.

2. The Notification of the Government of India in the Foreign Department, No. 2393-I.A., dated the 1st September 1898, is hereby cancelled.

W. J. CUNINGHAM,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 20th January 1899.

APPOINTMENTS.

MEDICAL DEPARTMENT.

No. 55.—Captain W. H. Orr, Indian Medical Service, to be Medical Officer, Lawrence Military Asylum, Sanáwar, *vice* Major F. Wyville-Thomson, who has vacated. Dated 1st December 1898.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 2, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JANUARY 28TH, 1899.

MILITARY DEPARTMENT.

Fort William, the 27th January, 1899.

LONDON GAZETTE.

No 79.—The following extracts are published for general information :—

*   *   *   *   *   *   *   *

"*London Gazette,*" *dated the* 3*rd January,* 1899, *pages* 5, 9 *and* 10.

India Office, 3*rd January,* 1899.

The Queen has approved of the following promotions among the Officers of the Staff Corps made by the Government of India :—

INDIAN STAFF CORPS.

Majors to be Lieutenant-Colonels.

*   *   *   *   *   *   *   *

Dated 13th November, 1898.

Redmond Conyngham Samuel Macausland.

*   *   *   *   *   *   *   *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS, RETIREMENTS AND RESIGNATIONS.

No 103.—1*st Punjab Volunteer Rifle Corps*—

Captain William Edwin Browne, V.D., retires, and is granted permission to retain his rank and to wear the uniform of the Corps.

No. 107.—*North-Western Railway Volunteer Rifles*—

Second-Lieutenant Richard Craig Farrell resigns his commission with effect from the 8th December 1898.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 9, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 4TH, 1899.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 2nd February, 1899.

No. 273-*F.*—The services of Mr. A. F. D. Cunningham, C.I.E., of the Indian Civil Service, Commissioner and Superintendent, are replaced at the disposal of the Government of the Punjab, with effect from the forenoon of the 4th of January 1899, the date on which he resumed charge of his duties at Pesháwar.

W. J. CUNINGHAM,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 3rd February, 1899.

PROMOTIONS.

PUBLIC WORKS DEPARTMENT.

No. 124.—Assistant Commissary and Honorary Lieutenant James Donovan, Assistant Engineer, 2nd Grade, Punjab Irrigation, to be Deputy Commissary and to have the honorary rank of Captain, subject to Her Majesty's approval;

* * * * *

with effect from the 7th January 1899, *vice* Deputy Commissary and Honorary Captain Thomas Chapman, Assistant Engineer, 2nd Grade, North-Western Provinces and Oudh, retired.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 140.—*Punjab Light Horse*—

Lieutenant William Henry Swales to be Captain, *vice* Clarke, resigned.

No. 141.—*1st Punjab Volunteer Rifles*—

Charles William Davison, gentleman, to be Lieutenant, *vice* Milne, promoted.

Lieutenant William Milne to be Captain, with effect from the 1st December 1898, *vice* Captain and Honorary Major E. Nicholl, V. D., deceased.

No. 144.—*North-Western Railway Volunteer Rifles*—

Captain George Edward Jones to be Major, *vice* Rickie, transferred to the Supernumerary List, with effect from the 8th December 1898.

Lieutenant Cyril Hitchcock to be Captain, *vice* Jones, promoted, with effect from the 8th December 1898.

2nd-Lieutenant Bryan Stapleton to be Lieutenant, *vice* Hitchcock, promoted, with effect from the 8th December 1898.

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

DIEU ET MON DROIT.

HONI SOIT QUI MAL Y PENSE

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 16, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 11TH, 1899.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 10th February 1899.

No. 328.—In supersession of Home Department Notification No. 2032, dated the 1st November 1877, the following new Warrant of Precedence for India which has been approved by Her Majesty the Queen, Empress of India, and which has received Her Royal Sign Manual, as also the revised graded list of civil offices not reserved for Members of the Indian Civil Service, supplementary to the Warrant of Precedence, which has been prepared under the orders of the Governor-General in Council, are published for general information :—

1. Warrant of Precedence approved by the Queen, Empress of India.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India :

To all to whom these Presents shall come :

Whereas it hath been represented unto Us that it is advisable that the rank and precedence of persons holding appointments in the East Indies as regulated by Our Royal Warrant, dated the 18th day of October 1876, should be altered, we do therefore hereby declare that it is Our will and pleasure that in lieu of the table laid down in our said recited Warrant, the following table be henceforth observed with respect to the rank and precedence of the persons hereinafter named, *viz.* :—

1. Governor-General and Viceroy of India.
2. Governors of Madras and Bombay.
3. President of the Council of the Governor-General.
4. Lieutenant-Governor when in his own territories.
5. Commander-in-Chief in India.

6. Lieutenant-Governor.

7. Chief Justice of Bengal.

8. Bishop of Calcutta, Metropolitan of India.

9. Ordinary Members of the Council of the Governor-General.

10. Commander-in-Chief of Her Majesty's Naval Forces in the East Indies.

11. Chief Justice of a High Court other than that of Bengal.

12. Bishops of Madras and Bombay.

13. Ordinary Members of Council in Madras and Bombay.

14. Lieutenant-Generals Commanding the Forces, Punjab, Bengal, Madras and Bombay.

15. Chief Commissioners of the Central Provinces and Assam, Residents at Hyderabad and in Mysore, and Agents to the Governor-General in Rájpútána, Central India, and Balúchistán.

16. Puisne Judges of a High Court.

17. Chief Judge of a Chief Court.

18. Military Officers above the rank of Major-General.

19. Additional Members of the Council of the Governor-General for making Laws and Regulations.

20. Bishops of Lahore, Rangoon, and Lucknow.

21. Secretaries to the Government of India.

22. Commissioner in Sind.

23. Judges of a Chief Court, Recorder of Rangoon and Judicial Commissioners, Burma.

24. Chief Secretaries to the Governments of Madras and Bombay.

25. Major-Generals, Members of a Board of Revenue, Commissioners of Revenue and Customs, Bombay, and Financial Commissioners, Punjab and Burma.

26. Judicial Commissioners, including Additional Judicial Commissioners of Oudh, the Central Provinces, and Sind.

27. Additional Members of the Councils of the Governors of Madras and Bombay for making Laws and Regulations, and Members of the Legislative Council of a Lieutenant-Governor.

28. Vice-Chancellors of Indian Universities.

FIRST CLASS.

29. Members of the Indian Civil Service of 30 years' standing.

30. Advocate-General, Calcutta.

31. Comptroller and Auditor-General.

32. Commissioners of Divisions, the Superintendent of Port Blair, and Residents Political Agents, and Superintendents drawing Rs. 2,000 a month and upwards (not being Collectors or Deputy Commissioners of British Districts), within their respective charges.

33. Chief Secretaries to Local Governments, other than those of Madras and Bombay.

34. Surveyor-General of India, Directors-General of the Post Office, of Telegraphs in India and of Railways, Chief Engineers, First Class, Accountants-General, Military and Public Works Departments, Director, Royal Indian Marine, and Manager, North-Western Railway.

35. Bishops (not territorial) under license from the Crown.

36. Archdeacons of Calcutta, Madras and Bombay.

37. Brigadiers-General.

38. Commissioners of Divisions.

39. Commissioner of Northern India Salt Revenue, and Opium Agents, Benares and Bihar.

40. Secretaries and Joint Secretaries to Local Governments, and Private Secretary to the Viceroy.

SECOND CLASS.

41. Members of the Indian Civil Service of 23 years' standing and Colonels.

42. Military Secretary to the Viceroy.

43. Judicial Commissioners of the Hyderabad Assigned Districts and Baluchistan; the Superintendent of Port Blair; and Residents, Political Agents, and Superintendents drawing Rs. 2,000 a month and upwards (not being Collectors or Deputy Commissioners of British Districts).

44. Inspector-General of Forests in India, and Director of the Geological Survey.

45. Standing Counsel to the Government of India.

46. Directors of Public Instruction, and Inspectors-General of Police and Prisons under Local Governments, and Accountants-General.

47. Survey Commissioner and Director of Land Records and Agriculture, Bombay; Commissioners of Settlements; and Controllers of Military Accounts.

48. Chief or Senior Civil Secretary to a Local Administration.

49. Chief Engineers, second and third classes; Deputy Surveyor-General; Deputy Director-General of Telegraphs in India, and Director-in-Chief, Indo-European Telegraph Department.

50. Divisional, and District and Sessions Judges, Collectors and Magistrates of Districts; Deputy Commissioners of Districts; Deputy Superintendent of Port Blair; and the Chief Officer of each Presidency Municipality, within their respective charges.

51. Archdeacons of Lahore, Lucknow, and Rangoon.

52. Deputy Secretaries to the Government of India.

53. The Senior Chaplains of the Church of Scotland in Bengal, Madras and Bombay.

54. Remembrancers of Legal Affairs and Government Advocates under Local Governments.

55. Officers in the First Class Graded List of Civil Offices not reserved for Members of the Indian Civil Service.

THIRD CLASS.

56. Members of the Indian Civil Service of 18 years' standing; and Lieutenant-Colonels.

57. The Deputy Director, Royal Indian Marine.

58. The Assistant Director, Royal Indian Marine.

59. Commanders and Inspectors of Machinery, Royal Indian Marine.

60. Political Agents and Superintendents drawing less than Rs. 2,000 a month (not being Collectors or Deputy Commissioners of British Districts) within their own charges.

61. Secretaries to Local Administrations other than those already specified.

62. Consulting Engineers to the Government of India for Railways.

63. Private Secretaries to Governors.

64. Military Secretaries to Governors.

65. Administrators-General.

66. Sanitary Commissioners under Local Governments; Postmasters-General; the Comptroller, Post Office; and Conservators of Forests, 1st Grade.

67. Directors of Public Instruction and Inspectors-General of Police and Prisons under Local Administrations and Comptrollers and Deputy Auditors-General.

68. Managers of State Railways other than the North-Western Railway; Chairman of the Port Trust, Bombay; and Chairman of the Port Trust, Calcutta.

69. Vice-Chairman of the Port Trust, Calcutta; Directors of Traffic and Construction, Indian Telegraph Department; Examiners of Accounts, Public Works Department, 1st Class; Officers of the Superior Revenue Establishment of State Railways, 1st Class, 1st Grade; Superintending Engineers, Public Works Department, 1st Class; and Superintendents of the Survey of India Department, 1st Grade.

70. Inspectors-General of Registration and Directors of Land Records and Agriculture under Local Governments.

71. Senior Chaplains other than those already specified.

72. Sheriffs within their own charges.

73. Officers in the 2nd Class Graded List of Civil Offices not reserved for Members of the Indian Civil Service.

FOURTH CLASS.

74. Members of the Indian Civil Service of 12 years' standing, and Majors.

75. Lieutenants of over eight years' standing, and Chief Engineers of the Royal Indian Marine.

76. Government Solicitors.

77. Inspectors-General of Registration, Sanitary Commissioners and Directors of Land Records and Agriculture under Local Administrations.

78. Officers in the Third Class Graded List of Civil Offices not reserved for Members of the Indian Civil Service.

The entries in the above table apply exclusively to the persons entered therein, and, while regulating their relative precedence with each other, do not apply to the non-official community resident in India, the members of which shall take their place according to usage.

Officers in the above table will take precedence in order of the numbers of the entries. Those included in one number will take precedence *inter se* according to the date of entry into that number.

When an officer holds more than one position in the table, he will be entitled to the highest position accorded to him.

Officers who are temporarily officiating in any number in the table will rank in that number below permanent incumbents.

All officers not mentioned in the above table, whose rank is regulated by comparison with rank in the Army, to have the same rank with reference to civil servants as is enjoyed by military officers of equal grades.

All other persons who may not be mentioned in this table to take rank according to general usage, which is to be explained and determind by the Governor-General in Council in case any question shall arise.

Nothing in the foregoing rules to disturb the existing practice relating to precedence at Native Courts, or on occasions of intercourse with Natives, and the Governor-General in Council to be empowered to make rules for such occasions in case any dispute shall arise.

All ladies to take place according to the rank herein assigned to their respective husbands, with the exception of wives of Peers, and of ladies having precedence in England independently of their husbands, and who are not in rank below the daughters

of Barons; such ladies to take place according to their several ranks, with reference to such precedence in England, immediately after the wives of Members of the Council of the Governor-General.

Given at our Court at Windsor this tenth day of December, in the year of Our Lord one thousand eight hundred and ninety-eight, and in the sixty-second year of Our reign.

By Her Majesty's Command,

(Signed) GEORGE HAMILTON.

2. Supplementary graded list of civil offices not reserved for Members of the Indian Civil Service prepared under the orders of the Governor-General in Council.

* FIRST CLASS.—(No. 55 of the Warrant.)

Assay Master of the Mint, Calcutta and Bombay.

Chief Judges of Presidency Courts of Small Causes.

Commissioners of Police, Calcutta, Madras and Bombay.

Deputy Comptroller-General.

Director-General of Statistics.

Director of the Botanical Survey of India.

Master of the Mint, Calcutta and Bombay.

Meteorological Reporter to the Government of India.

Superintendent of Revenue Survey, Madras.

Superintendent, Trigonometrical Surveys.

* *SECOND CLASS.—(No. 73 of the Warrant.)*

Adviser on Chinese Affairs in Burma.

Chief Collector of Customs, Burma.

Chief Presidency Magistrates.

Chief Superintendents of the Telegraph Department.

Collector of Customs and Salt Revenue, Sind.

Collectors and Magistrates of Districts; and Deputy Commissioners of Districts' and of Settlements.

Conservators of Forests, 2nd and 3rd Grades.

Deputy Accountants-General under Local Governments.

Deputy Inspectors-General of Police.

Deputy Superintendent of Port Blair.

Directors of the Persian Gulf Section, and of the Persian Section of the Indo-European Telegraph Department.

Divisional and District and Sessions Judges.

Examiners of Accounts, Public Works Department, 2nd and 3rd Classes.

Government Astronomer, Madras.

Imperial Bacteriologist.

Inspector-General of Agriculture.

Inspector of Mines to the Government of India.

Officer in charge of the Records of the Government of India.

Officers of the Indian Educational Service, and of the graded Educational Service, drawing Rs. 1,250 a month and upwards.

* The entries in each Class are arranged in alphabetical order.

Officers of the Superior Revenue Establishment of State Railways, 1st Class, 2nd and 3rd Grades.

Principal of the Mayo College at Ajmere.

Principal of the Rájkumár College at Rájkot.

Reporter on Economic Products.

Superintendent of the Royal Botanical Gardens, Calcutta.

Superintendents, Geological Survey of India.

Superintendents of Revenue Survey and Assessment, Bombay.

Superintendents of the Survey of India Department, 2nd grade.

Superintending Engineers, Public Works Department, 2nd and 3rd classes.

Under-Secretaries to the Government of India.

*THIRD CLASS.—(No. 78 of the Warrant.)

Agricultural Chemist.

Assistant Inspector-General of Forests.

Assistant Secretaries to the Government of India.

Collector of Stamp Revenue, Superintendent of Excise Revenue, and Deputy Collector of Land Revenue, Calcutta.

Commander of the steamer employed in the Persian Gulf Section of the Indo-European Telegraph Department.

Deputy Collector of Salt Revenue, Bombay.

Deputy Commissioner of Northern India Salt Revenue.

Deputy Commissioners of Police, Calcutta and Bombay.

Deputy Commissioners of Salt, Abkári and Customs Department, Madras.

Deputy Conservators of Forests drawing Rs. 800 a month and upwards.

Deputy Director of Land Records and Agriculture, Madras.

Deputy Director of the Imperial Forest School, Dehra Dun.

Deputy Directors of Revenue Settlement and Deputy Superintendents of Revenue Surveys, Madras.

Deputy Postmasters-General of the 1st Grade.

Deputy Superintendents, Geological Survey of India.

Deputy Superintendents, Survey of India Department.

District Superintendents of Police drawing Rs. 800 a month and upwards.

Engineer and Electrician of the Persian Gulf Section of the Indo-European Telegraph Department.

Examiners of Accounts, Public Works Department, 4th Class, 1st and 2nd Grades.

Executive Engineers, Public Works Department, 1st and 2nd Grades.

Inspector-General of Railway Mail Service.

Judge of the City Civil Court, Madras.

Judges of Presidency Courts of Small Causes, and First Judge of the Small Cause Court, Rangoon.

Officers of the Indian Educational Service and of the graded Educational Service drawing less than Rs. 1,250 a month, but more than Rs. 1,000 a month.

* The entries in each Class are arranged in alphabetical order.

Officers of the Superior Revenue Establishments of the State Railways, 2nd Class, 1st and 2nd Grades.

Palæontologist, Geological Survey of India.

Presidency Magistrates.

Protector of Emigrants and Superintendent of Emigration, Calcutta.

Public Prosecutor in Sind.

Registrars to the High Courts and to the Chief Court, Punjab.

Sub-Deputy Opium Agents drawing Rs. 800 a month and upwards.

Superintendent of the Indian Museum.

Superintendent of Stamps and Stationery.

Superintendents, Telegraph Department, 1st and 2nd Grades.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

EMIGRATION.

Calcutta, the 7th February, 1899.

No. 275—16-2.—The following telegram, dated 31st January, 1899, from Her Britannic Majesty's Consul at Mozambique to His Excellency the Viceroy and Governor-General of India, is published for general information :—

Decree published to-day prohibits provisionally immigration into Mozambique Province of all Natives of India.

T. W. HOLDERNESS,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 10th February, 1899.

VOLUNTEER CORPS.

APPOINTMENTS.

No. 163.—*1st Punjab Volunteer Rifle Corps*—

Arthur Evile, gentleman, to be Second Lieutenant, *vice* Babington, transferred to the Supernumerary List.

MEDALS AND DECORATIONS.

No. 166.—The undermentioned members of the Volunteer Force are granted the Volunteer Long Service Medal under the provisions of clause 152, India Army Circulars of 1895 :—

* * * * * * * *

1st Punjab Volunteer Rifles.

Volunteer A. F. Ludlam.

2nd Punjab Volunteer Rifles.

Quarter-Master Sergeant L. E. James.

Volunteer H. Sindon.

" E. H. Dacosta.

* * * * * * * *

North-Western Railway Volunteer Rifles.

Sergeant J. W. Bailey.

Band Sergeant T. W. Bennett.

Volunteer E. W. B. Ellison.

" P. Gaglardi.

" J. Hubbard.

* * * * * * * *

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 4th February, 1899.

No. 47.—With reference to Public Works Department Code, Volume I, Chapter II, paragraph 85, and Notification No. 576, dated 28th December, 1898, it is hereby notified that the examination qualifying for admission to the Superior Accounts Branch of the Public Works Department will be held this year on the 19th and four following days of June.

F. R. UPCOTT,
Secretary to the Government of India.

The 7th February, 1899.

No. 54.—Mr. G. M. R. Field, Superintending Engineer, 3rd class, temporary rank, Punjab, is permanently promoted to that class with effect from the 3rd January, 1899.

Mr. L. M. Jacob, Executive Engineer, 1st grade, Punjab, is *temporarily* promoted to Superintending Engineer, 3rd class, with effect from the same date.

T. HIGHAM,
Joint Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 31st January, 1899.

INDIAN SUBORDINATE MEDICAL DEPARTMENT, ASSISTANT SURGEON BRANCH, BENGAL ESTABLISHMENT.

No. 1.—The undermentioned 2nd class Military Assistant Surgeons, under five years' service, having passed their departmental examination, are entitled to the enhanced rate of pay of their class, *i.e.*, as 2nd class Assistant Surgeons, above five years' service, with effect from the dates noted against their names :—

* * * * * * * *

William Charles Lobo Deeks,—3rd December, 1898.

J. T. W. LESLIE, *M. B., Major, I.M.S.,*
for *Director-General, Indian Medical Service.*

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 23, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 18, 1899.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

Calcutta, the 15th February 1899.

No. 615.—The following draft of a notification, which it is proposed to issue in exercise of the powers conferred by Section 58 of the Pilgrim Ships Act, 1895 (XIV of 1895), is published for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Governor-General in Council on or after the 15th April 1899.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date aforesaid, will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by Section 58 of the Pilgrim Ships Act, 1895 (XIV of 1895), the Governor-General in Council is pleased to direct that the following rule shall be substituted for Rule 6 (1) of the rules published with the Notification

of the Government of India in the Home Department, No. 262, dated the 5th October, 1896:—

6 (1). Every pilgrim ship shall be provided with boats (to be placed under davits), at least two of which shall be life-boats, according to the following scale:—

1	2	3
Gross tonnage of ship.	Minimum number of boats to be placed under davits.	Total minimum cubic contents of boats to be placed under davits L × B. × D. × ·6.
500 and under 600	3	600
600 " 700	3	700
700 " 800	4	800
800 " 900	4	900
900 " 1,000	4	1,000
1,000 " 1.250	4	1,200
1,250 " 1,500	6	1,500
1,500 " 1,750	6	1,700
1,750 " 2,000	6	1,800
2,000 " 2,250	6	1,900
2,250 " 2,500	6	2,000
2,500 " 2,750	6	2,050
2,750 " 3,000	6	2,100
3,000 " 3,250	8	2,400
3,250 " 3,500	8	2,500
3,500 " 3,750	8	2,600
3,750 " 4,000	8	2,700
4,000 " 4,250	8	2,800
4,250 " 4,500	8	2,900
4,500 " 4,750	8	2,900
4,750 " 5,000	10	3,300
5,000 " 5,250	10	3,400
5,250 " 5,500	10	3,500
5,500 " 5,750	10	3,600
5,750 " 6,000	10	3,700

PROVISO.—Provided that, where in ships already fitted the minimum cubic contents of boats placed under davits are provided, as required by column 3 of the said scale, this rule shall be deemed to have been sufficiently complied with although the actual number of boats so carried falls below the minimum prescribed in column 2 of the said scale.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE.

STAMPS.

NON-JUDICIAL STAMPS.

Calcutta, the 17th February, 1899.

No. 785-*S. R.*—In exercise of the powers conferred by section 9, clause (*a*), of the Indian Stamp Act, 1899 (II of 1899), the Governor-General in Council is pleased to reduce, to the extent set forth in each case, the duties chargeable under the said Act in respect of the instruments hereinafter described under Nos 7, 56 and 57, and to remit the duties so chargeable in respect of instruments of the other classes hereinafter described :—

A.—LAND REVENUE.

General.

1. Lease or counterpart thereof executed at the time of settlement made directly by the Government with the existing occupant of land, whether a zamindar or a tenant, and whether self-cultivating or not :

Provided that no fine or premium is paid in consideration of the lease.

2. Agreement of the kind described in the Dekkhan Agriculturists' Relief Act, 1879 (XVII of 1879), section 43.

3. Instrument executed for the purpose of securing the repayment of a loan made, or to be made, under the Agriculturists' Loans Act, 1884 (XII of 1884).

In Bombay.

4. Agreement respecting the occupancy of land, whether surveyed or not, and the payment of the land-revenue therefor, executed under the Bombay Land-Revenue Code, 1879 (Bombay Act V of 1879), or any rules made under that Act.

5. Lease granted under rule 31 of the rules published by the Government of Bombay under the Bombay Land-Revenue Code, 1879 (Bombay Act V of 1879).

6. Lease granted by the Government under rules made under the Indian Forest Act, 1878 (VII of 1878), section 31, or purporting to be so granted, of land situated in a protected forest in any of the following villages in the Akola Taluka of the district of Ahmednagar in the Presidency of Bombay, namely :—Ambit, Ghatghar, Kumshet, Lohali Kotul, Pachnai, Panjare, Samrad, Shinganvadi and Uddavne.

7. Agreement or memorandum of an agreement, whereby the owner or occupier of land in a village in the Bombay Presidency agrees to relinquish his rights therein to the Government, and to accept rights in other land in exchange for the rights so relinquished. Duty reduced to four annas.

In Burma.

8. Certified copy of a map shewing the holdings of cultivators in Burma when furnished to such a cultivator.

9. Instrument executed with the object of securing the repayment of a loan from the public revenues granted in Upper Burma for any of the purposes described in section 4 of the Agriculturists' Loans Act, 1884 (XII of 1884).

10. Instrument executed after the 8th May, 1896, for the purpose of securing the due payment of rent of a fishery leased under section 4, clause (*b*), of the Burma Fisheries Act, 1875 (VII of 1875), or under section 32, sub-section (*3*), of the Upper Burma Land and Revenue Regulation, 1889 (III of 1889).

In the Central Provinces.

11. Instrument whereby proprietors and others in the Central Provinces engage with the Government for the maintenance and remuneration of patwaris.

12. Conveyance by endorsement of rights secured by an instrument known as a "Satta."

13. Copy or extract certified by a patwari to be a true copy of, or a true extract from records or papers which patwaris are required to prepare or keep by any rule made by the Chief Commissioner under the Central Provinces Land-revenue Act, 1881 (XVIII of 1881), section 146, where the copy or extract is furnished by a patwari to a malguzar or tenant of or in the village with which the copy or extract is concerned.

In Madras.

14. Patta granted by an officer of the Government or by any assignee of Government revenue in the Madras Presidency to a holder of land under a raiyatwar settlement.

In the North-Western Provinces.

15. Agreement with respect to the enhancement of the rent of an ex-proprietary or occupancy tenant of the kind described in the North-Western Provinces Rent Act, 1881 (XII of 1881), section 12, clause (*a*).

In the Punjab.

16. Copy of a map or plan certified to be a true copy of a map or plan prepared or maintained under Chapter IV of the Punjab Land-revenue Act, 1887 (XVII of 1887), whether such copy is granted under rule 23 or rule 314 of the rules under the said Act:

Provided that the copy is supplied for the private use of the person applying for it and that it is not used or intended to be used as evidence in a Court of Justice or before any public officer.

B.—OPIUM, HEMP DRUGS AND EXCISE.

17. Receipt given by an opium cultivator or his representative or by a lambardar or khattadar in the Behar and Benares Agencies for money paid to him by the Government as an advance for the cultivation of opium.

18. Bond when executed by the surety of a middleman (lambardar or khattadar) taking an advance for the cultivation of the poppy for the Government.

19. Agreement or memorandum of agreement made by a raiyat or by a middleman (lambardar or khattadar) for the cultivation of the poppy for the Government.

20. Power-of-attorney executed in favour of a lambardar or khattadar by an opium cultivator, who does not attend personally to receive an advance or to enter into a contract for the cultivation of the poppy for the Government.

21. Instrument of the nature of a mortgage-deed when executed by the surety of a middleman (lambardar or khattadar) taking an advance for the cultivation of the poppy for the Government.

22. Security-bond (or mortgage-deed) for the fulfilment of any contract-deed for the supply of weighment articles in use in the Behar and Benares Opium Agencies.

23. Contract-deed for the supply of weighment-articles in use in the Behar and Benares Opium Agencies.

24. Agreement or memorandum of agreement made by a raiyat for, or in respect of, the cultivation of the hemp plant in the district of Rajshahi.

C.—FOREST DEPARTMENT.

25. Agreement and security-bond required to be executed, under the rules to regulate appointments and promotions in the Provincial Forest Service, by a student and his surety previous to entry into the Forest School, Dehra Dun.

26. Instrument in the nature of a conveyance by the Government of standing trees in a Government forest.

D.—MEDICAL DEPARTMENT.

27. Security-bond taken under the authority of the Government from a medical student of the Apothecary, Assistant Surgeon or Hospital Assistant class, and his surety.

E.—POST OFFICE AND TELEGRAPH DEPARTMENT.

28. Letter which a person depositing money in a Post Office Savings Bank, as security to the Government or a local authority for the due execution of an office or for the fulfilment of a contract or for any other purpose, is required to address to the Post Master in charge of the Post Office Savings Bank agreeing to special conditions with respect to the application and withdrawal of the money deposited and the payment of interest accruing due thereon.

29. Receipt given by, or on behalf of, a depositor in a Post Office Savings Bank or a State Railway Provident Institution or in the East India Railway Savings Bank for a sum of money withdrawn from any such Bank or Institution.

30. Receipt endorsed by the payee on a Postal Money Order.

31. Receipt given by the addressee for a deposit exceeding twenty rupees, made for the payment of a reply to a telegraphic message.

F.—RAILWAYS.

32. Agreement made with a Railway Company or Administration for the conveyance of goods.

33. Agreement or indemnity bond given to a Railway authority by a passenger permitted to travel without payment of fare, indemnifying such authority from any claim for damages in case of accident or injury.

34. Agreement or indemnity bond given to a Railway authority by a consignee (when the railway receipt is not produced) in respect of the delivery of articles carried at half parcels-rates or at goods-rates, namely, fresh fish, fruits, vegetables, bazar baskets, bread, meat, ice, and other perishable articles.

35. Agreement made with a Railway Company or Administration, which purports to limit the responsibility of the Company or Administration as declared by the Indian Railways Act, 1890 (IX of 1890), section 72, sub-section (*1*), and is in a form approved by the Governor-General in Council under sub-section (*2*) of that section.

36. Receipt given by a Railway Company or Administration for the fare for the conveyance of passengers or goods, or both, or animals, or given to such Company or Administration for the refund of an overcharge made in respect of such fare.

37. Debenture bond of the loan of Rs. 20,00,000 raised by the Government of His Highness the Maharaja of Mysore for the construction of a line of railway from Bangalore to Tiptoor, where the said bond is negotiated in British India.

G.—GOVERNMENT OFFICERS AND CONTRACTORS.

38. Agreement-paper passed by a Commissariat contractor where his security deposit is transferred to a Post Office Savings Bank.

39. Instrument in the nature of a memorandum or agreement furnished to, or made or entered into with, an Executive Commissariat Officer by a contractor.

40. Agreement or declaration, by which a tender made to an Executive Commissariat Officer is accepted as a contract, where the deposit of the contractor as security for his contract is made in Government of India Promissory Notes or in cash.

41. Instrument in the nature of a memorandum or agreement furnished to, or made or entered into with, the Ordnance Department, the Army Clothing Department, the Forest Department, or the Public Works Department, by a contractor for the due performance of his contracts.

H.—OTHER DOCUMENTS.

42. Bill-of-exchange drawn in Mysore, the Civil and Military Station of Bangalore, the Hyderabad Assigned Districts, the Hyderabad Residency Bazars or the Cantonment of Sikandarabad, on which the full rate of stamp-duty has been paid there, where the same is negotiated in British India.

43. Cheque drawn in Mysore, the Civil and Military Station of Bangalore, the Hyderabad Assigned Districts, the Hyderabad Residency Bazars or the Cantonment of Sikandarabad, on which the full rate of stamp-duty has been paid there, where the same is negotiated in British India.

44. Receipt given for payment of interest on Government of India Promissory Notes.

45. Letter of authority or power-of-attorney executed for the sole purpose of authorizing one or more of the joint-holders of a Government security to give on behalf of the other or others of them, or any one or more of them a discharge for interest payable on such security or on any renewed security issued in lieu thereof.

46. Power-of-attorney furnished to a relative, servant, or dependant under the Dekkhan Agriculturists' Relief Act, 1879 (XVII of 1879), section 68.

47. Copy of an instrument which a Village-registrar has to deliver to a party under the Dekkhan Agriculturists' Relief Act, 1879 (XVII of 1879), section 58.

48. Agreement executed under the Indian Emigration Act, 1883 (XXI of 1883), section 35, sub-section (*1*).

49. Contract executed in accordance with the provisions of the Assam Labour and Emigration Act, 1882 (I of 1882), for service in Assam under the Chief Commissioner in the Public Works Department or under a District Committee constituted under the Assam Local Rates Regulation, 1879 (III of 1879).

50. Arrangement entered into under the Indian Income-tax Act, 1886 (II of 1886), section 9, sub-section (*2*).

51. Sanad of jagir or other instrument conveying land granted to an individual by the Government otherwise than for a pecuniary consideration.

52. Instrument of exchange executed by a private person where land is given by him for public purposes in exchange for other land granted to him by the Government.

53. Transfer by endorsement of a mortgage of rates and taxes authorized by any Act for the time being in force in British India.

54. Copy of, or extract from, a baptismal, marriage or burial register certified by a Government Chaplain, subsidised or unsubsidised clergyman, or Diocesan or Marriage Registrar, and granted to a person in needy circumstances, in whose favour the discretionary power conferred by Rule IV of Division III of the rules published under Notification No. 103, dated the 20th June, 1885, in the *Gazette of India* of the 27th idem, Part I, page 346, may be exercised.

55. Transfer of any of the under-noted debentures of the Octacamund Club, namely, Nos. 1 to 188, dated the 31st December, 1892; Nos. 189 to 464, 467 to 482, and 485 to 604, dated the 15th January, 1893; Nos 465, 466, 483, 484, and 605 to 810, dated the 25th October, 1893; and Nos. 811 and 812, dated the 23rd February, 1894.

56. Trust-deed entered into in compliance with the rules, for the time being in force in the Bombay Presidency, regulating grants-in-aid made by the Government for building purposes to schools in that presidency. Duty reduced to the amount payable in respect of a bond for like amount or value, or to Rs. 15, whichever shall be less.

57. Agreement executed for service or for performance of work in a coffee-plantation in the Madras Presidency, Coorg or Mysore, where the advance given under the agreement does not exceed twenty rupees. Duty reduced to one anna.

No. 786-*S. R.*—In exercise of the powers conferred by the Indian Stamp Act, 1899 (II of 1899), the Governor-General in Council is pleased to make the following rules under the said Act in supersession of the rules promulgated with the following Notifications of the Government of India in the Department of Finance and Commerce, namely:—

Notification No. 2036, dated the 30th June, 1882;
" " 6717, " " 21st December, 1889;
" " 2170, " " 22nd May, 1891;
" " 2208, " " 10th May, 1895;
" " 3190, " " 3rd July, 1895;
" " 4718, " " 22nd October; 1897; and
" " 2826, " " 24th June 1898.

RULES UNDER THE INDIAN STAMP ACT, 1899.

CHAPTER I.

Preliminary.

Definition.

1. In these rules, the expression "the Act" shall mean the Indian Stamp Act, 1899.

Kinds of stamps.

2. There shall be two kinds of stamps for indicating the payment of duty on instruments chargeable with duty under the Act, namely:—

(*a*) impressed stamps, and

(*b*) adhesive stamps.

CHAPTER II.

Of Impressed Stamps.

Hundís.

3. (*1*) Hundís, other than hundís which may be stamped with an adhesive stamp under Section 11 of the Act, shall be written as follows, namely :—

(*a*) A hundi payable otherwise than on demand, but not at more than one year after date or sight, and for an amount not exceeding rupees thirty thousand in value, shall be written on paper on which the necessary stamp bearing the word "hundi" has been engraved or embossed.

(*b*) A hundi for an amount exceeding rupees thirty thousand in value, or payable at more than one year after date or sight, shall be written on paper, supplied for sale by the Government, to which a label has been affixed by the Superintendent of Stamps at Calcutta, Madras, Bombay or Lahore, and impressed by such officer in the manner hereinafter prescribed by rule 10.

(2) Every sheet of such paper shall be of a size not less than $8\frac{5}{8} \times 5\frac{1}{8}$ inches, and no plain paper shall be joined to it.

(3) The provisions of sub-section (1) of rule 6 shall apply also in the case of hundis.

Promissory notes and bills of exchange.

4. A promissory note or bill of exchange shall, except as provided by Section 11 of the Act and by these rules, be written on paper on which the necessary stamp, with or without the word "Hundi," has been engraved or embossed.

Other instruments.

5. Every other instrument chargeable with duty shall, except as provided by Section 11 of the Act, be written on paper, on which the necessary stamp, not bearing the word "Hundi," has been engraved or embossed.

Provision where single sheet of paper is insufficient.

6. (1) Where two or more sheets of paper on which stamps are engraved or embossed are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

(2) Where a single sheet of paper, not being paper bearing an impressed hundi-stamp, is found insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument :

Provided that in every such case the side of the sheet which bears the stamp shall be covered by a substantial part of the instrument before any part of the latter is written on the plain paper joined to such sheet.

One-anna impressed stamps.

7. The duty payable on any instrument which is chargeable with a duty of one anna under the Act, may be denoted by a coloured impression marked on a skeleton form of such instrument by the Superintendent of Stamps at Calcutta, Bombay, Madras, or Lahore, the Commissioner of Stamps at Allahabad, or the Sub-Registrar of Deeds at Rangoon.

"The proper officer."

8. The following officers are empowered to affix and impress labels, and each of them shall be deemed to be "the proper officer" for the purposes of the Act and of these rules :—

(*a*) the Collectors of Calcutta and Karáchi, and the Huzur Deputy Collector Karáchi, when the Collector is absent from head-quarters ;

(*b*) the Collectors of Godavari, Tinnevelly, Malabar, and South Canara, and the Treasury Deputy Collectors of those districts when the Collectors are absent from head-quarters ;

(*c*) the Sub-Registrar of Deeds at Rangoon ; the Treasury Officers, Moulmein, Akyab, and Bassein ;

(*d*) the Deputy Commissioner of Kamrup (at Gauhati), and the senior Assistant Commissioner present when the Deputy Commissioner is absent from head-quarters ;

(*e*) the Superintendents of Stamps at Madras, Bombay, and Lahore ;

(*f*) the Commissioner of Stamps, North-Western Provinces and Oudh ; and

(*g*) the Superintendent of Stamps (Political Resident), Aden.

9. (*1*) Labels may be affixed and impressed by the proper officer in the case of any of the instruments mentioned in Appendix A, and of the counterparts thereof.

Affixing and impressing of labels by proper officer permissible in certain cases.

(*2*) Labels may likewise be affixed and impressed by the proper officer in the case of any of the instruments mentioned in Appendix B, when written in any European language, and accompanied, if the language is not English, by a translation into English.

10. (*1*) The proper officer shall, upon any such instrument as is referred to in Rule 9 being brought to him before it is executed, and upon application being made to him for that purpose, affix thereto a label or labels of such value as the applicant may desire and pay for, and impress such label or labels by means of a stamping-machine, and also stamp or write on the face of the label or labels the date of impressing the same before returning the instrument to the applicant. In the case of instruments written on parchment, the labels shall be further secured by means of metallic eyelets.

Mode of affixing and impressing labels.

(*2*) On affixing any label or labels under this rule, the proper officer shall, where the duty amounts to rupees five or upwards, write on the face of the label or labels his initials, and, where the duty amounts to rupees twenty or upwards, shall also attach his usual signature to the instrument immediately under the label or labels.

(*3*) In Calcutta, the Deputy Collector and the Superintendent of the Stamp Department of the Collector's Office; in Lahore in the absence of the Superintendent of Stamps, the Superintendent of his office; and, generally, any principal assistant of the proper officer, if empowered by the Local Government in this behalf, may discharge the functions of the proper officer under sub-section (*2*) of this rule.

11. (1) Instruments (other than instruments which, under Section 11 of the Act, may be stamped with adhesive stamps) executed out of British India and requiring to be stamped after their receipt in British India shall be stamped with impressed labels.

Certain instruments to be stamped with impressed labels.

(2) Where any such instrument as aforesaid is taken to the Collector under Section 18, sub-section (2) of the Act, the Collector, unless he is himself the proper officer, shall send the instrument to the proper officer, remitting the amount of duty paid in respect thereof; and the proper officer shall stamp the instrument in the manner prescribed by rule 10 and return it to the Collector for delivery to the person by whom it was produced.

CHAPTER III.

Of Adhesive Stamps.

12. Bills of exchange payable otherwise than on demand and drawn in sets, when the amount of duty does not exceed one anna for each part of the set, may be stamped with adhesive stamps.

Bills of exchange.

13. When any instrument of transfer of shares in a Company or Association is written on a sheet of paper on which the necessary stamp is engraved or embossed, and the value of the stamp so engraved or embossed is subsequently, in consequence of a rise in the market value of such shares, found to fall short of the amount of duty chargeable under Article No. 62 (*a*) of Schedule I to the Act, one or more adhesive stamps bearing the words "Share Transfer," as hereinafter prescribed, may be used to make up the amount required.

Supply of deficient duty on transfer of share.

14. Except as otherwise provided by these rules, the adhesive stamp used to denote the duty of one anna shall bear the words "One Anna."

One-anna adhesive stamp.

15. The following instruments, when stamped with adhesive stamps, shall be stamped in the manner hereinafter prescribed, that is to say:—

Special adhesive stamps to be used in certain cases.

(*a*) Bills of exchange, cheques, and promissory notes drawn or made out of British India and chargeable with a duty of more than one anna, shall be stamped with adhesive stamps bearing the words "Foreign Bill."

(*b*) Transfers of shares of Public Companies and Associations shall be stamped with adhesive stamps bearing the words "Share Transfer."

(c) An entry as an advocate, vakil or attorney on the roll of any High Court shall be stamped with an adhesive stamp bearing the word "Advocate," "Vakil" or "Attorney." Such stamp shall be affixed under the superintendence and responsibility of a gazetted officer of the High Court, who shall obtain the stamp from the Superintendent of Stamps and account to him for it. Such officer shall after affixing the stamp write on the face of it his usual signature with the date thereof before parting with the instrument.

(d) Notarial acts shall be stamped with adhesive foreign bill stamps bearing the word "Notarial."

(e) Copies or extracts, certified to be true copies, or extracts of baptismal, marriage or burial certificates, certified copies granted under the provisions of the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), and copies of maps or plans certified to be true cepies, shall be stamped with adhesive Court-fee stamps.

CHAPTER IV.

Miscellaneous.

Provision for cases in which improper description of stamp is used.

16. When an instrument bears a stamp of sufficient amount, but of improper description, the Collector may, on payment of the duty with which the same is chargeable, certify by endorsement on the instrument that it is duly stamped:

Provided that if application is made within three months of the execution of the instrument, and the Collector is satisfied that the improper description of stamp was used solely because of the difficulty or inconvenience of procuring one of proper description, he may remit the further payment of duty prescribed in this rule.

Evidence as to circumstances of claim to refund or renewal.

17. The Collector may require any person claiming a refund or renewal under Chapter V of the Act, or his duly authorized agent, to make an oral deposition on oath or affirmation, or to file an affidavit, setting forth the circumstances under which the claim has arisen, and may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in any such deposition or affidavit as aforesaid.

Mode of cancelling original debenture in case under section 55 of Act.

18. Where the Collector makes a refund under section 55 of the Act, he shall cancel the original debenture by writing on or across it the word "Cancelled" and his usual signature with the date thereof.

Rewards.

19. On the conviction of any offender under Chapter VII of the Act, the Collector may grant to any person, who appears to him to have contributed thereto, a reward within a limit to be fixed by the Local Government.

APPENDIX A.

List of instruments referred to in rule 9 (1) of the rules.

	No. of Article in Schedule I of the Act.
(a) Administration-bonds	2
(b) Affidavits	4
(c) Appointments made in execution of a power ...	7
(d) Articles of Association of a Company	10
(e) Articles of clerkship	11
(f) Bills-of-lading	14
(g) Charter-parties	20
(h) Declarations of trust	64 A.
(i) Instruments evidencing an agreement to secure the repayment of a loan made upon the deposit of title-deeds or other valuable security, or upon the hypothecation of moveable property ...	6

(*j*) Leases printed or lithographed in an Oriental language, when the written matter filled in does not exceed one-fourth of the printed matter 35

(*k*) Memoranda of Association of Companies 39

(*l*) Notes of protest by Masters of ships 44

(*m*) Policies of insurance 47

(*n*) Revocations of trust ... ... 64 B.

(*o*) Share-warrants issued by a Company in accordance with Section 30 of the Indian Companies Act, 1882 (VI of 1882), other than share-warrants issued before the fourteenth day of November 1890, with adhesive stamps bearing the words "Share Transfer" and denoting the full amount of duty payable thereon, which share-warrants shall be held to have been duly stamped ... 59

(*p*) Warrants for goods... 65

APPENDIX B.

List of instruments referred to in rule 9 (2) *of the rules.*

(*a*) Agreements or memoranda of agreements which, in the opinion of the proper officer, cannot conveniently be written on sheets of paper on which the stamps are engraved or embossed 5

(*b*) Instruments engrossed on parchment and written in the English style which, in the opinion of such officer, cannot conveniently be written on sheets of paper on which the stamps are engraved or embossed ... ...

(*c*) Awards 12

(*d*) Bills-of-exchange payable otherwise than on demand and drawn in British India ... 13 (*b*) & (*c*).

(*e*) Bonds 15

(*f*) Certificates of sale 18

(*g*) Composition-deeds 22

(*h*) Conveyances 23

(*i*) Instruments imposing a further charge on mortgaged property 32

(*j*) Instruments of apprenticeship 9

(*k*) Instruments of co-partnership ... ... 46 A.

(*l*) Instruments of dissolution of partnership ... 46 B.

(*m*) Instruments of exchange 31

(*n*) Instruments of gift 33

(*o*) Instruments of partition 45

(*p*) Leases 35

(*q*) Letters of license... 38

(*r*) Mortgage-deeds 40

(*s*) Powers-of-attorney 48

(*t*) Reconveyances of mortgagad property 54

(*u*) Releases 55

(*v*) Settlements 58

(*w*) Transfers of the description mentioned in Article 62, clauses (*c*), (*d*), and (*e*), of Schedule I of the Act ... 62 (*c*), (*d*) & (*e*).

No. 787 *S. R.*—In exercise of the power conferred by Section 20, sub-section (2), of the Indian Stamp Act, 1899 (II of 1899), the Governor-General in Council is pleased to prescribe the following rates of exchange for the conversion of the currencies hereinafter specified respectively into the currency of British India for the purposes of calculating *ad valorem* duty on instruments chargeable therewith :—

Currency.	Sum.	Equivalent in currency of British India. Rs. A. P.
British	£ 1 sterling	15 0 0
French	25 francs	
German	20 marks	
United States or Canadian	1 dollar	3 0 0
Chinese	1 tael	2 0 0
British (Asiatic Possessions)	1 dollar*	1 8 0
Mexican	1 ,,*	
Japanese	1 yen	
Persian	1 krân	0 4 0

* That is, the "British Dollar" and the "Mexican Dollar" which are in current use in the Straits Settlements and elsewhere.

H. H. RISLEY,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 17th February 1899.

PROMOTIONS.

No. 179.—The following promotions are made, subject to Her Majesty's approval:—

INDIAN STAFF CORPS.

Majors to be Lieutenant-Colonels.

12th February 1899.

Charles James Robarts.

* * * * * * * *

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 11th February 1899.

No. 58.—The following promotions are ordered in the Superior Accounts Branch :—

NAME.	From	To	Nature of promotion.	With effect from.
* *	* * *	* *	* *	* * *
Rái Pandit Prem Náth Bahádur.	Examiner, 2nd class (temporary rank).	Examiner, 2nd class.	Permanent ...	5th December 1898.
* *	* * *	* *	* *	* * *

F. R. UPCOTT,

Secretary to the Government of India.

DIEU ET MON DROIT. HONI SOIT QUI MAL Y PENSE

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 2, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 25, 1899.

HOME DEPARTMENT.

NOTIFICATION.

EXAMINATIONS.

The 24th February 1899.

No. 100.—The following list shows the names of selected candidates and the marks obtained by them in each subject at the recent examination for clerkships in the Lower Division of the Secretariat Offices of the Government of India and the Departments directly attached thereto, and in the offices subordinate to the Government of Bengal :—

No.	Names of candidates in order of merit.	Date of birth.	Date on which the candidate will attain the age of 25 years.	English composition (Essay-writing and Drafting.)	Précis-writing.	History (English and Indian).	Geography.	Elementary Mathematics.	TOTAL.	Government under which the candidate is eligible for appointment.	Office in which the candidate elects to serve.
				100	100	50	50	50	350		
1	Debendra Náth Mitra.	1st September 1876.	1st September 1901.	60	25	29	39	44	197	Government of India.	Any of the Secretariat offices under either Government.
2	Binod Behári Chatterjee.	23rd May 1875.	23rd May 1900.	63	40	32	26	35	196	Government of Bengal.	Any of the Secretariat offices,
3	Hari Lál Mukerjee.	24th April 1878.	24th April 1903.	65	34	24	32	39	194	Government of India.	Finance Department or Bengal Secretariat.

No.	Names of candidates in order of merit.	Date of birth.	Date on which the candidate will attain the age of 25 years.	English composition (Essay-writing and Drafting).	Précis writing.	History (English and Indian).	Geography.	Elementary Mathematics.	TOTAL.	Government under which the candidate is eligible for appointment.	Office in which the candidate elects to serve.
				100	100	50	50	50	350		
4	Probhas Chandra Mukerjee.	21st December 1874.	21st December 1899	75	39	14	23	40	191	Government of India.	...
5	Gostha Behári Dás.	27th June 1877.	27th June 1902.	59	30	2[illegible]	35	36	183	Ditto ...	Home or Finance and Commerce Department of the Government of India, or Office of the Board of Revenue Lower Provinces.
6	Bepin Behári Sen Gupta.	4th December 1875.	4th December 1900.	5[illegible]	38	1[illegible]	33	37	182	Ditto ...	Any of the Secretariat offices under either Government.
7	Bijoy Krishna Sanyal.	1st February 1875.	1st February 1900.	70	29	1[illegible]	34	34	18[illegible]	Ditto ...	Ditto.
8	A J. Mendes	29th March 1879.	29th March 1904.	69	36	10	25	37	177	Ditto ...	...
	Satis Chandra Banerjee.	1st January 1877.	1st January 1902.	64	42	2[illegible]	29	20	17[illegible]	Ditto ...	Any of the Secretariat offices under either Government.
10	Satkari Mukerjee.	5th July 1877.	5th July 1902.	5[illegible]	27	1[illegible]	35	39	17[illegible]	Government of Bengal.	Any Secretariat office.
11	Uma Charan Pal.	15th May 1875	15th May 1900.	49	25	20	33	35	16[illegible]	Ditto ...	Ditto.
	Thakurdás Nandah.	2nd February 1878.	2nd February 1903	44	35	19	22	42	16[illegible]	Government of India	...
13	Fazl Karím ...	10th July 1878	10th July 1903.	34	37	26	27	36	160	Ditto ...	Any of the Secretariat offices.
14	Jagmohan Lál	25th November 1877.	25th November 1902.	25	35	23	31	45	159	Ditto ...	...
	Jnanendra Náth Sur.	1st February 1879.	1st February 1904.	41	25	21	32	40	15[illegible]	Government of Bengal.	Any Secretariat office.
16	Hári Dás Datta	13th September 1879.	13th September 1904.	28	27	22	31	4[illegible]	15[illegible]	Ditto ...	Ditto.
17	Satis Chandra Mukerjee	15th August 1878.	15th August 1903	30	25	21	26	45	147	Ditto ...	Ditto.
18	Richard Mendieta.	21st April 1877.	21st April 1902.	42	34	17	23	28	144	Government of Bengal.	Bengal Secretariat.
19	Manmatha Náth Sen	25th October 1875	25th October 1900.	47	25	13	22	28	135	Ditto ...	Any Secretariat office.
20	Upendra Náth Bháduri.	31st October 1876	31st October 1901.	42	26	10	23	32	13[illegible]	Ditto ...	Ditto.
21	Sayyid Ali Shah	17th April 1876.	17th April 1901.	25	34	22	24	25	130	Government of India.	Office of the Northern India Salt Revenue Department.
22	Jnanendra Náth Sen.	30th September 1876.	30th September 1900.	61	25	10	17	14	127	Government of Bengal.	Any Secretariat office.
23	Auckland C. Wilson.	17th April 1880.	17th April 1905.	40	35	...	26	24	125	Government of India.	Home or any other Department.
24	Upendra Náth Patwári.	1st January 1877.	1st January 1902.	33	25	...	30	34	122	Government of Bengal.	Any Secretariat office.
	Bankim Chandra Chatterji	19th December 1876.	19th December 1901.	38	26	...	24	34	122	Ditto ...	Ditto.
25	Hari Naráyan De.	17th January 1876.	17th January 1901.	29	25	14	23	30	121	Ditto ...	Ditto.
27	Abinash Chandra Roy.	1st March 1877.	1st March 1902.	38	26	11	14	31	120	Ditto ...	Ditto.
28	Siva Prosad...	15th January 1879.	15th January 1904.	29	40	...	23	20	112	Government of India.	...
29	Mangal Sen...	14th August 1878.	14th August 1903.	30	25	17	21	14	107	Ditto ...	Home, Finance and Commerce, and Public Works Departments.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

STATISTICS AND COMMERCE.

CUSTOMS.

Calcutta, the 22nd February 1899.

No. 880-*S.R.*—In exercise of the power conferred by Section 23 of the Sea Customs Act, 1878 (VII of 1878), the Governor-General in Council is pleased to exempt from the import duty leviable thereon under No. 14 of Schedule IV of the Indian Tariff Act, 1894 (VIII of 1894), as amended by Acts XVI of 1894 and III of 1896, machinery (and component parts thereof) for the distillation of spirits.

H. H. RISLEY,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 24th February 1899.

RETIREMENTS.

No. 211.—Colonel Daniel O'Connel Raye, M. D., Indian Medical Service, Bengal, Inspector-General of Civil Hospitals, Punjab, has been permitted by the Secretary of State for India to retire from the service, with effect from the 2nd April 1899, subject to Her Majesty's approval.

VOLUNTEER CORPS.

PROMOTIONS, RETIREMENTS AND RESIGNATIONS.

No. 218.—*North-Western Railway Volunteer Rifles*—

Honorary Captain and Paymaster Thomas Siddle, V. D., retires from the service, with permission to retain his rank and wear the uniform of the Corps.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 20th February 1899.

No. 72.—Rái Pundit Prem Náth Bahádur, Examiner, Public Works Accounts, Punjab, is appointed Examiner of Accounts, North-Western Railway.

No. 73.—Mr. F. T. Hutchinson, Examiner of Accounts, is, on return from furlough, appointed Examiner, Public Works Accounts, Punjab.

F. R. UPCOTT,

Secretary to the Government of India.

The 21st February 1899.

No. 76.—Major George Kenneth Scott-Moncrieff, R. E., is appointed to the Public Works Department as an Executive Engineer, 1st Grade, and posted to the Punjab Irrigation Branch.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 9, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 4, 1899.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 3rd March 1899.

No. 499.—In exercise of the powers conferred by Section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Governor-General in Council is pleased to direct the substitution of the following rule for Rule 6-XIX of the rules to regulate the transport and importation of explosives published in Home Department Notification No. 1393, dated 8th July 1897 :—

RULE.

6-XIX. If the wagons employed in the transport of explosives are provided with brakes other than iron brakes, the brakes thereon shall on no account be worked while the wagons are running with a train, nor shall brakes, other than iron brakes, on vehicles immediately adjoining such wagons, be worked while such wagons are so running.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 3rd March 1899.

JUDICIAL.

No. 229.—In exercise of the powers conferred by Sections 26 and 27 of the Cantonments Act, 1889 (XIII of 1889), the Governor-General in Council is pleased to direct that the following be added after Rule 15 of the rules under the said Act for all cantonments in British India, published with the Notification of the Government of India in the Military Department No. 1148, dated the 15th October, 1897, namely :—

Information to be given of infectious or contagious disorders.

"16. Whoever,—

(*a*) being a medical practitioner and in the course of practice becoming cognizant of the existence of any infectious or contagious disorder in any dwelling, other than a public hospital or dispensary, in the cantonment or its neighbourhood, or, in default of such medical practitioner,

(*b*) being the owner or occupier of such dwelling and being cognizant of the existence of any infectious or contagious disorder therein, or, in default of such owner or occupier,

(*c*) being the person in charge of, or in attendance on, any person suffering from any infectious or contagious disorder in such dwelling, and being cognizant of the existence of the disorder therein,

fails to give information or gives false information to the Cantonment Authority respecting the existence of such disorder, shall be punishable with fine which may extend to fifty rupees :

Provided that a person not required by this rule to give information in the first instance, but only in default of some other person, shall not be punishable if it is shown that he had resonable cause to suppose that the information had been, or would be, duly given :

Provided also that this rule shall not apply to venereal diseases, when the person suffering therefrom is under specific and adequate medical treatment, and by reason of habits, conditions of life, and of residence, is unlikely to spread the disease.

Explanation.—In this rule, the expression 'owner' includes the person for the time being receiving the rent of lands and buildings or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or buildings were let to a tenant."

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS, RESIGNATIONS.

No. 240.—*Punjab Light Horse*—

Second-Lieutenant James Pagan Dalzell to be Lieutenant, *vice* Swales, promoted.

The Honourable Edward Julian Hawke to be second Lieutenant, *vice* Dalzell promoted.

MEDALS AND DECORATIONS.

No. 247.—His Excellency the Governor-General of India has been pleased to confer the Volunteer Officers' Decoration upon the undermentioned officer of the Indian Volunteer Force, who has been duly recommended for the same under the Royal Warrant of the 24th May 1894 (India Army Circulars of 1894, clause 101) :—

North-Western Railway Volunteer Rifles—

Lieutenant-Colonel Richard Tickner.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 16, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 4, 1899.

DEPARTMENT OF REVENUE AND AGRICULTURE.

Extract from the Proceedings of the Government of India, Department of Revenue and Agriculture,—No. 11—3-18, *dated Calcutta, the 2nd March* 1899.

RESOLUTION.

The Governor-General in Council is pleased to direct that the appended Rules and Regulations relating to the British Indian and Ceylon Sections of the Paris Exhibition, 1900, which have been received from the Secretary of State for India, be published in the *Gazette of India* for general information, and that copies be forwarded to Local Governments and Administrations for publication in the local Gazettes.

2. Copies of the Rules and Regulations can be obtained on application from the Local Government or Administration or from the Revenue and Agricultural Department of the Government of India.

[True Extract.]

T. W. HOLDERNESS,

Secretary to the Government of India.

ROYAL COMMISSION, PARIS EXHIBITION, 1900.

PRESIDENT:

H. R. H. THE PRINCE OF WALES, K. G.

Indian and Ceylon Committee.

CHAIRMAN.

The Right Hon'ble Lord George F. Hamilton, M. P.

Lord Reay, G.C.S.I.
Sir M. M. Bhownaggree, K.C.I.E., M.P.
Sir George C. M. Birdwood, K.C.I.E.
Sir Edward C. Buck, K.C.S.I.
Major-General Sir Owen T. Burne, G.C.I.E.
Major-General Sir Arthur E. A. Ellis, K.C.V.O.
Sir Henry S. King, K.C.I.E., M.P.
Sir James L. Mackay, K.C.I.E.
General Sir Henry W. Norman, G.C.B.
Sir Montague F. Ommanney, K.C.M.G.
Sir Cecil C. Smith, G.C.M.G.
C. Purdon Clarke, Esquire, C.I.E.
John L. Kipling, Esquire, C.I.E.
Henry W. Uloth, Esquire.
Colonel Herbert Jekyll, C.M.G., *Secretary, Royal Commission.*

HONORARY SECRETARY.
Benjamin J. Rose, Esquire.

HONORARY ARCHITECT.
C. Purdon Clarke, Esquire, C.I.E., F.R.I.B.A.

ACTING ARCHITECT.
Charles Clowes, Esquire.

BANKERS AND OFFICIAL AGENTS TO THE INDIAN COMMITTEE.
Messrs. Henry S. King & Co.

SUB-AGENTS.
Messrs. T. N. Singh & Co.

THE PARIS INTERNATIONAL EXHIBITION OF 1900.

The scope and magnitude of the Paris Exhibition of 1900 is succinctly given in the speech, made by H. R. H. the Prince of Wales, at the first Meeting of the Royal Commission, held at Marlborough House on the 17th February 1898, and which is here reproduced from the official report:—

"The plans and classification which will be laid before you will give the Commission some idea of the scope and magnitude of the Exhibition. I will only mention on this head that it will be divided into 18 Groups, comprising 120 Classes, in which provision will be made for the display of every kind of Art, Industry, and Manufacture. The guiding principle is that similar products, from whatever part of the world they may come, should be shown side by side, and in this respect the Exhibition of 1900 will differ from its predecessors, in which the products of each country have usually been collected together. The arrangement, though less favourable to a striking national display, has many advantages, and admits of a ready comparison of the arts and industries of one country with similar arts and industries of others. No one who reads the official reports can fail to be impressed by the skill with which the classification has been compiled, and by the largeness of conception which marks the organisation of this great enterprise. I will only add that the scheme is being carried out on a scale of magnificence never before approached, even in Paris, and that the Exhibition bids fair to surpass any of its predecessors in extent and splendour.

"Evidence of the interest which the Exhibition has excited throughout the civilised world is to be found in the universal acceptance of the invitations to take part in it, and in the large grants which have been made by Foreign Powers. Germany, for instance, has already voted no less than £250,000, and I understand is prepared to give more if necessary, while smaller States, such as Switzerland, which has voted £66,000, have provided large sums from public funds, showing the value which they attach to this opportunity of displaying their productions and competing for the trade of the world. The French Section itself will occupy about half of the available space, and will offer a representation of French arts and industries such as no other nation can hope to rival in completeness.

"The importance of the Exhibition, and the influence which it is likely to have on the industry and art of this country, have been recognised by the appointment of a Royal Commission larger in numbers and more comprehensive in character than any previous Commission appointed for a similar purpose, and a grant of money has been placed at our disposal, which I fear will prove insufficient. I trust that we may be able to prevail upon the treasury to considerably augment the grant.

"India, the colonies, and all the great interests and industries of the Empire are largely represented, while an unusually large number of members have been chosen from the great manufacturing centres of the United Kingdom. It is especially necessary at the present time to give prominence to the industrial section looking to the keen rivalry which exists in the department of manufactures, and of which evidence is forthcoming on every side. The Exhibition will afford an opportunity, of which I trust full advantage will be taken, of asserting the commercial supermacy which this country has happily enjoyed for many years. I look with confidence to all the members of this body, and in particular to those who are connected with the centres of industry, to further the objects of the Commission by every means in their power. It may be difficult or impossible for many of them to undertake duties entailing frequent visits to London, but they could render services of equal or greater value in their own neighbourhoods, and I trust that they will give me the benefit of their assistance and influence by forming local committees, or by any other means that may occur to them of promoting the success of the British Section and of stimulating manufacturers and others to take part in this great work.

"I wish to take this opportunity of impressing upon the Commission the importance of securing that all articles sent to Paris, whether their value be great or small, should be the best of their kind. They will be judged in comparison with similar things produced in other countries, and will be exposed to the severest criticism.

"It should also be remembered that this is not so much an occasion for competition of British exhibitors among themselves, as for competition between British and Irish exhibitors and those of foreign countries. For this reason the display of similar or identical objects by different exhibitors should be avoided as much as possible, and efforts should be made to secure variety with a view to making the most of the space at our disposal. It is difficult to avoid some duplication when several manufacturers of similar articles wish to show their goods, and it would be invidious to give the preference to one out of many, but

it ought not to be impossible either to form joint exhibits, giving as complete a representation as possible of particutar industries, or for manufacturers to come to some agreement among themselves which would bring about the same result. Such a plan, though it might call for some self-sacrifice on the part of individuals, would secure a degree of completeness which could not otherwise be attained, and would go far to promote the common interests of the industry as a whole.

"Space has been secured for our exhibitors in the buildings and grounds. The negotiations, though somewhat protracted, have been brought to a conclusion which will, I hope, be deemed satisfactory. The Exhibition, large as it is, is limited, and it was impossible to satisfy the demands of all competitors in full. We have, however, obtained allotments in every one of the 18 groups, and the area which we have secured is larger than the area placed at our disposal in 1878, and much larger than the area given to us in 1889. The French authorities have shown every disposition to meet our just requirements so far as they could do so without unfairness to others, and have shown a degree of courtesy and friendliness which I am glad to recognise.

"It is not to be expected that a Commission such as this can meet often, or that it could, as a body, perform many of the duties with which it is charged. These duties are so numerous and so varied that they could only be carried out by Committees comparatively small in numbers, and I propose to ask the Commissioners to assist me by serving on the Committees, of which the lists will now be read. A Committee is necessary for Executive duties, and another for Finance, over both of which I intend to preside. The other Committees, it will be observed, correspond closely with the groups of the classification.

"The interval of two years between the present time and the date fixed for sending in exhibits is none too long for the preparations which so large an enterprise will entail. I trust that full advantage will be taken of the time at our disposal, and that our united efforts will result in a display not unworthy of the Empire."

THE BRITISH INDIAN AND CEYLON SECTIONS OF THE PARIS EXHIBITION, 1900.

The Paris Exhibition Commission, finding that it would be quite impossible to accommodate in the main buildings the exhibits from the Colonies and Dependencies of the various nations proposing to participate in the Exhibition, decided to group all Colonies and Protectorates, including the French, in the Park of the Trocadero, the countries interested being left to provide all the necessary buildings required for the display of their exhibits.

The British Royal Commission succeeded, after prolonged negotiations, in obtaining from the French Executive an allotment of an area of 60,000 square feet of space, in the Trocadero grounds, for the exhibits from India and the Colonies.

Of this space an area of about one-third has been allotted to the Indian and Ceylon Committee, and arrangements have been made to erect handsome and suitable pavilions on the site for the reception of approved Indian and Ceylon exhibits.

The Indian Section, as will be seen from the accompanying plans, etc., will be divided into three courts :—

(*a*) The Imperial, in which the exhibits of the Government of India and of Native States will be shown ;

(*b*) The Private Exhibitors, in which the more artistic productions of Indian manufacturers, merchants, and others will be displayed ; and

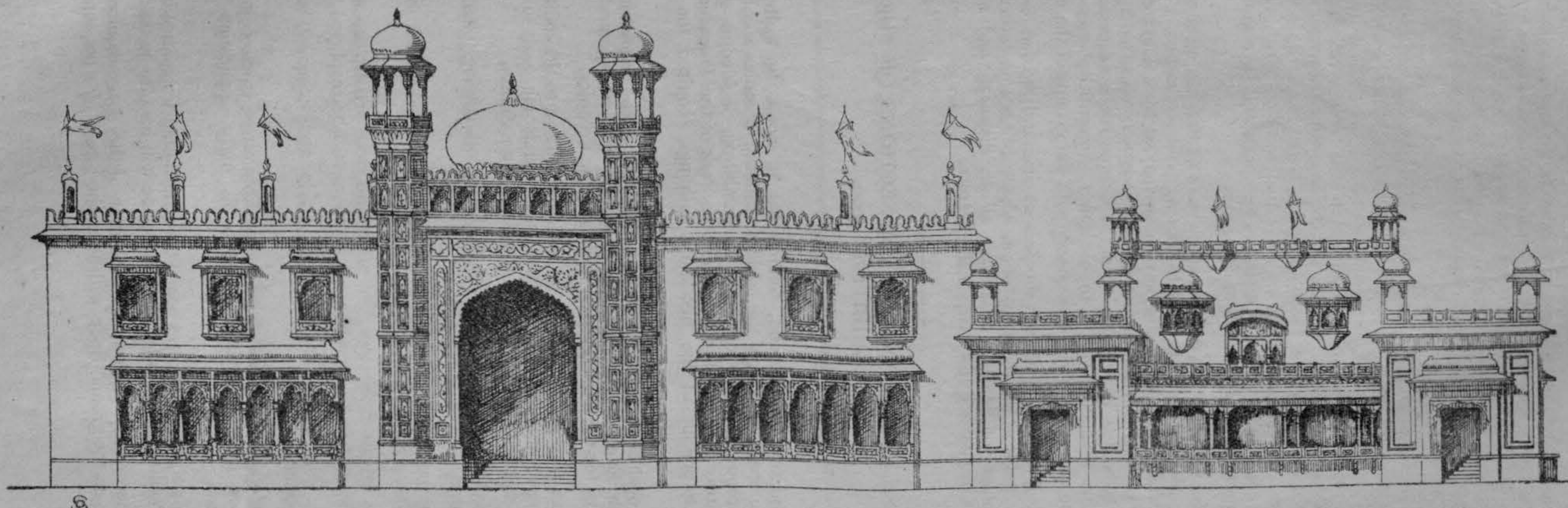
(*c*) The Commercial, in which the trade and economic samples will be exhibited.

The total space at the disposal of the Indian Committee is exceedingly limited, and intending exhibitors are therefore advised to make as early application as possible, to prevent disappointment.

In order to partially defray the heavy cost the Indian Committee have incurred in erecting the Indian Pavilion, a general charge for space will have to be made.

The rate will necessarily depend on the position of the space required, but the minimum charge for space on the ground floor will be at the rate of £ 1 per superficial foot.

PARIS UNIVERSAL EXHIBITION, 1900.

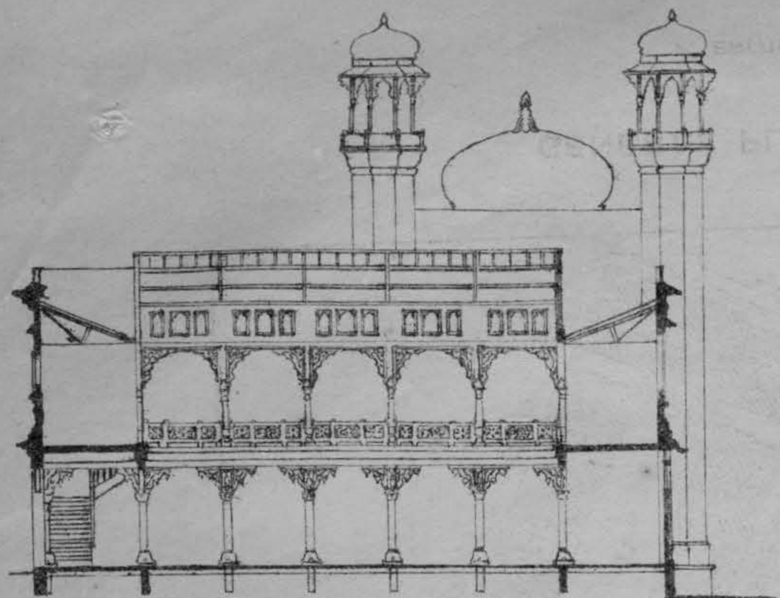


C. CLOWES,
ARCHITECT
3 ARUNDEL STREET STRAND
LONDON W.C.

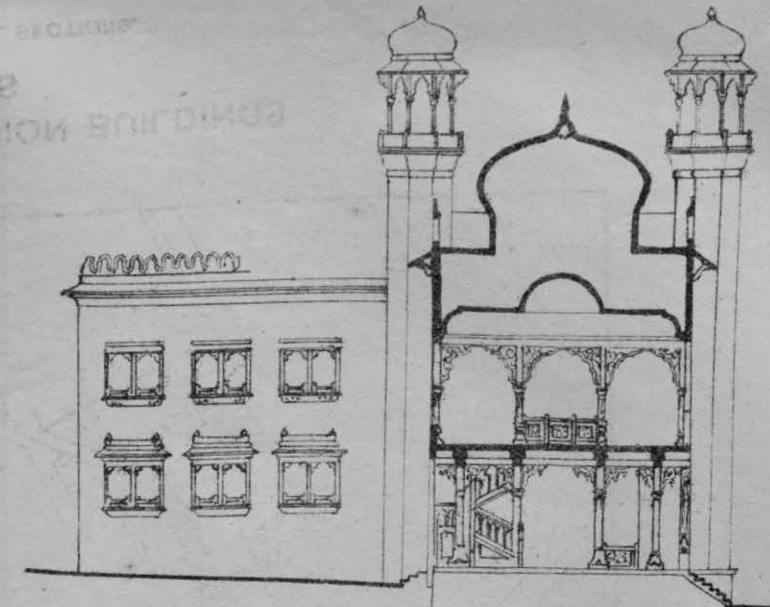
PRINCIPAL ELEVATION
OF THE
BRITISH INDIAN AND CEYLON SECTIONS.

Litho. Punjab Govt Press — Lahore

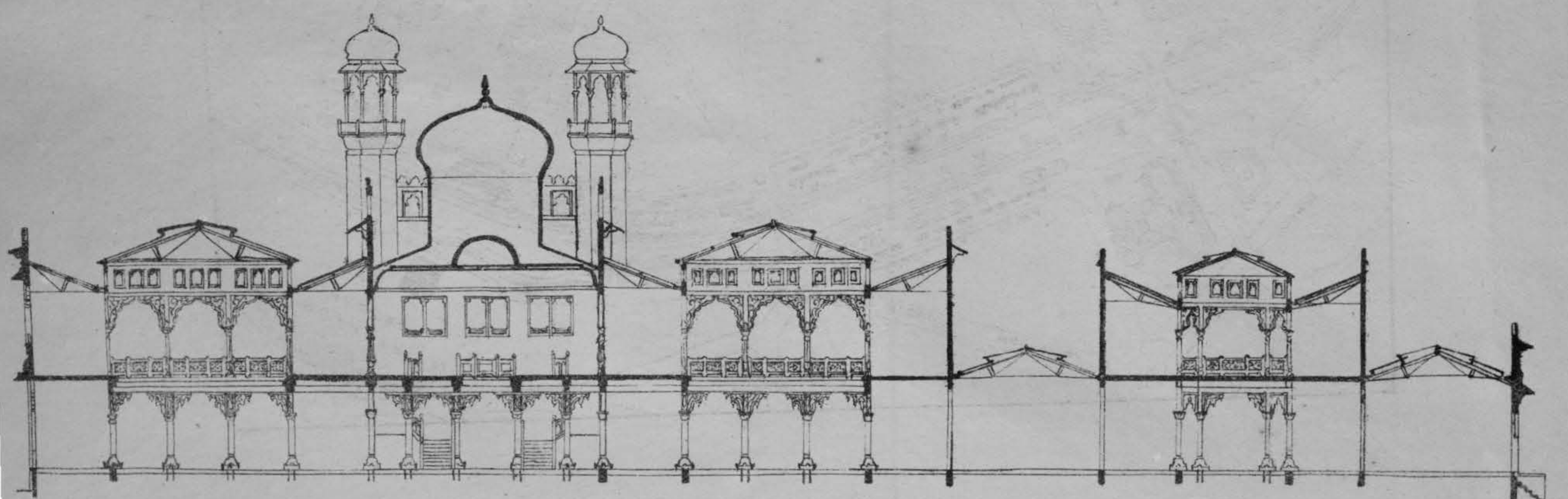
BRITISH INDIAN AND CEYLON SECTIONS.



SECTION C. D.

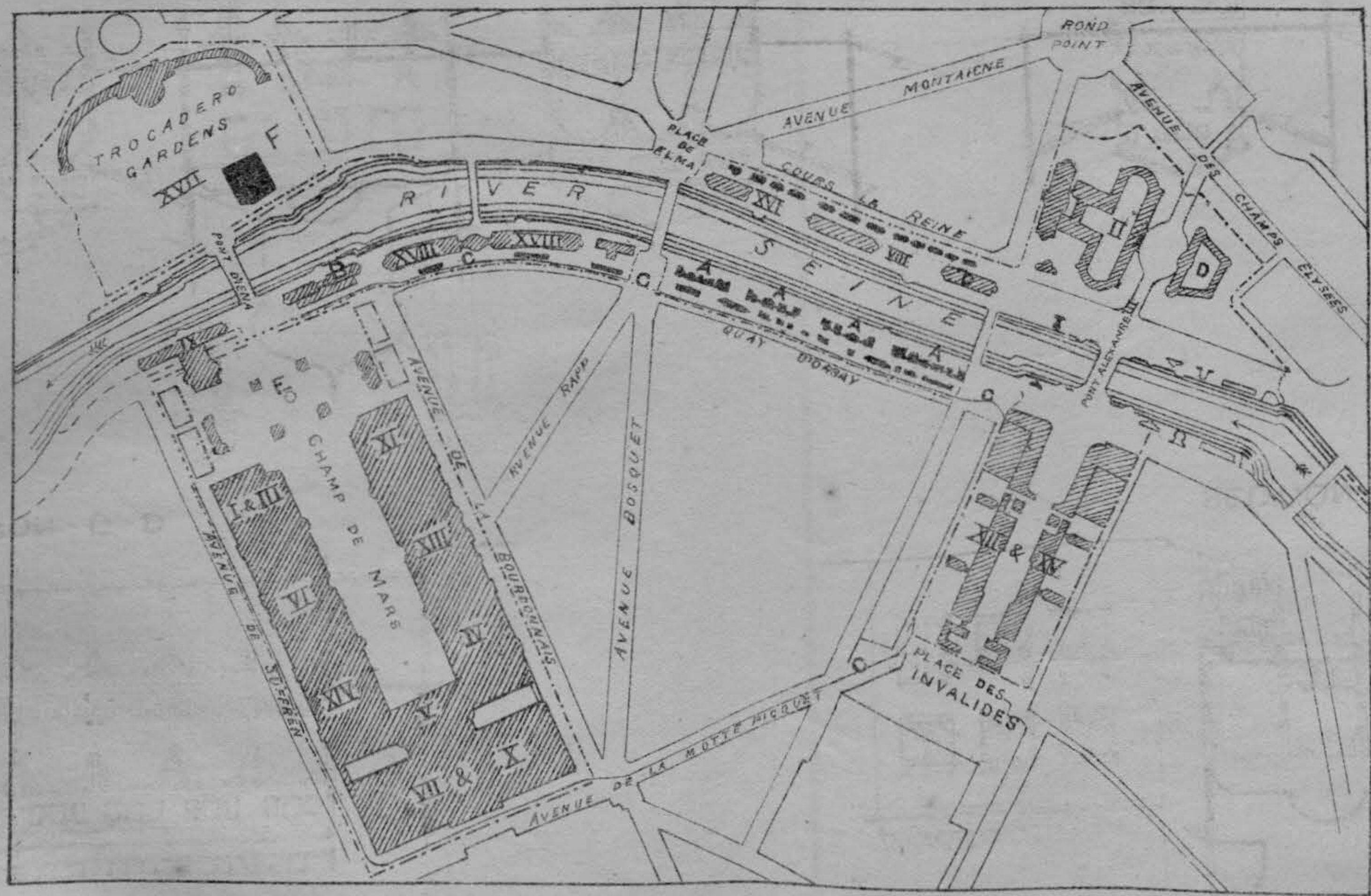


SECTION E. F.



SECTION A. B.

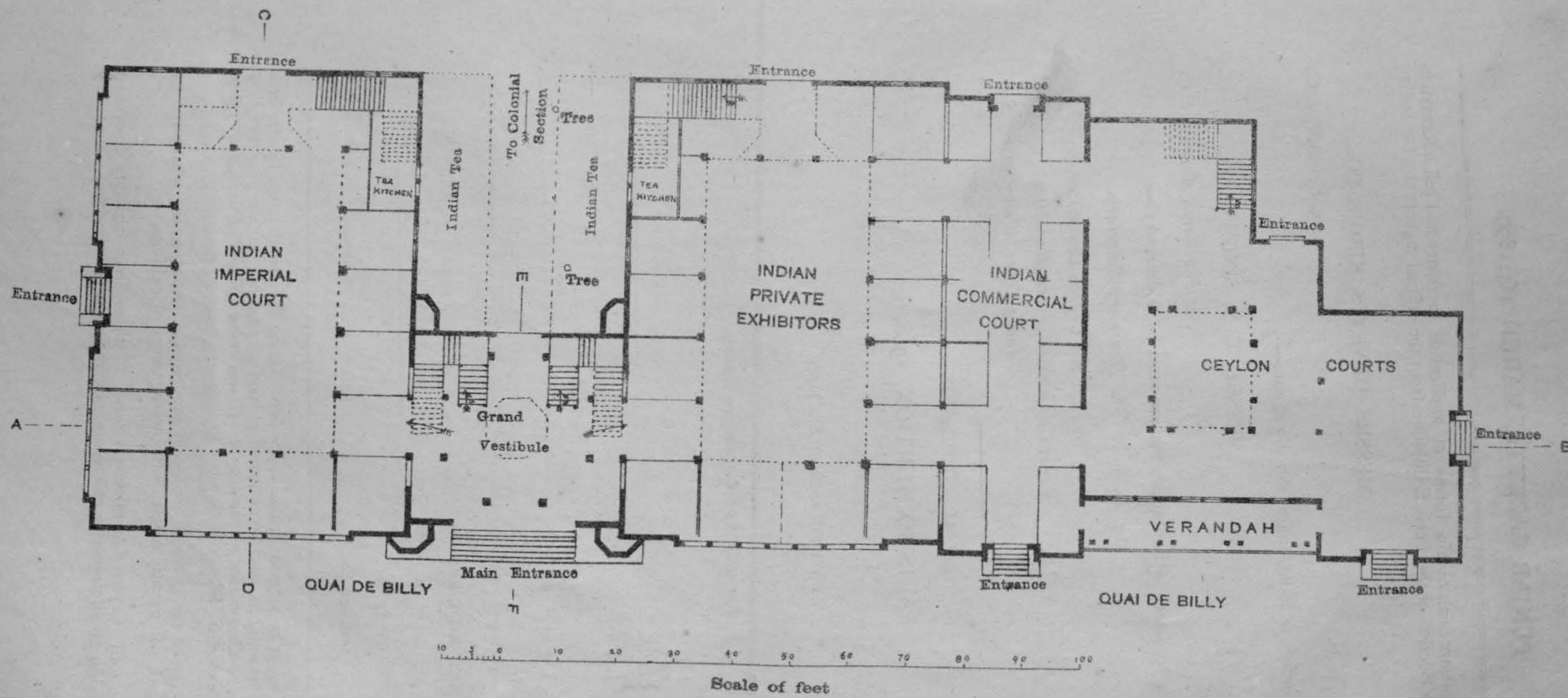
PARIS UNIVERSAL EXHIBITION, 1900.



GENERAL PLAN OF EXHIBITION BUILDINGS AND GROUNDS

F. BRITISH INDIAN AND COLONIAL SECTIONS.

PARIS UNIVERSAL EXHIBITION, 1900.



GROUND PLAN

OF THE

BRITISH INDIAN AND CEYLON SECTIONS.

Intending exhibitors can obtain forms of application for space and full information regarding the Indian Section of the Paris Exhibition from the official agents to the Indian Committee—

MESSRS. HENRY S. KING & CO.,

65, Cornhill, E.C.,

and their various branches in India, and of the sub-agents—

MESSRS. T. N. SINGH & CO.,

2, Fenchurch Avenue, E.C.

All applications for space in the Indian Section must be addressed to—

MR. B. J. ROSE, *Honorary Secretary,*

Indian and Ceylon Committee,

Royal Commission, Paris Exhibition, 1900,

India Office, Westminster, S.W.

ROYAL COMMISSION,

PARIS EXHIBITION, 1900.

BRITISH INDIAN SECTION.

Form of Application for Space.

Full names of person or firm } ________________________________

Address in full { ________________________________
____
____

PARTICULARS OF SPACE REQUIRED :—

________________ ________________

________feet long. ________feet broad.

---

1. This form must be signed, in the space provided on the fourth page, by the firm or individual desiring to exhibits, and be returned as soon as possible to the *Secretary of the Indian and Ceylon Committee of the Royal Commission, Paris Exhibition, 1900, India Office, Westminster, S. W.*

2. A sketch plan of the space desired, and an elevation showing the character of the show case proposed, will greatly assist in the arrangement of exhibits.

3. The Indian and Ceylon Committee reserve to themselves absolute discretion as to granting or refusing an allotment of space, and also the right of cancelling it at any time.

4. All applications and allotments are made subject to the annexed Regulations :—

Full list of articles to be exhibited. (For Catalogue entry.)	
Special features of articles exhibited. Explanations and general remarks.	
If it is desired to illustrate a manufacturing process, state its nature.	

GENERAL REGULATIONS FOR EXHIBITORS IN THE BRITISH INDIAN AND CEYLON SECTIONS.

1. *Opening and Close of Exhibition.*—The Exhibition will open on the 15*th April* and close on the 5*th November* 1900.

2. *Applications for Space.*—Forms of Application for space must be returned to the Secretary of the Indian and Ceylon Committee as early as possible. All applications will be considered, but owing to the limited amount of space at their disposal, the Indian and Ceylon Committee cannot undertake to allot the whole or any part of the space applied for, their object being to secure the best possible exhibits. ***There will be a general charge for space in the Indian Section.***

3. *Date of Reception of Exhibits.*—Accepted exhibits will be admitted into the Exhibition from 1*st January* to 28*th February* 1900.

4. *Prohibition of Transfer of Space or Substitution of Exhibits.*—No exhibitor will be permitted to transfer his allotment, or to allow any other than his own duly accepted exhibits to be placed thereon. All goods must be exhibited in the name of the person or firm who signed the form of application.

5. *Forfeiture of allotted Space.*—Space not occupied twenty-one days previously to the opening of the Exhibition will be forfeited, and allotted at the discretion of the Indian and Ceylon Committee of the Royal Commission.

EXHIBITS.

6. *Position of Exhibits.*—Exhibitors will be required to place their exhibits so as to contribute as much as possible to the general effect. The whole of the arrangements relating to show cases, signs, notices, and all similar matters, will be subject to instructions issued by the Secretary of the Royal Commission.

7. *Maximum Height of Stands, etc.*—No stand, including sign-board, may exceed twelve feet in height, without special permission.

8. *Uniformity of Decoration.*—In order to ensure uniformity of decoration and general effect, no exhibitor will be allowed to put up flags, banners, or any other kind of decoration, without special permission from the Secretary of the Indian Section.

9. *Railing off Exhibits.*—Exhibitors may place railings round their stands, subject to approval. In every instance the railings must be within the space allotted.

10. *Partitions.*—No partitions may be erected between the stands without permission from the Secretary of the Indian Section, nor anything put up to interfere with the sight of adjoining stands, or to impede the general view in all directions throughout the building.

11. *Sign and Name Boards.*—No sign or name board may be placed in such a manner as to interfere with the vista, or otherwise than parallel with the front of the stand. All signs placed over show causes or stands must be uniform in style. Instructions upon this point will be issued later, and the maximum dimensions will be specified.

12. *Conveyance and Installation Expenses.*—Exhibitors must bear all expenses of conveying, delivering, arranging, installing and removing their exhibits ; and also the cost of erecting all fixtures, platforms, screens, and counters. *The floor must not be cut without permission from the Secretary of the Indian Section.*

13. *Supervision of Arrival, Installation, and Departure of Exhibits.*—Exhibitors must personally or by their accredited representatives receive, unpack and install their exhibits, and remove their cases within a period of six weeks after the close of the Exhibition. The Secretary of the Royal Commission will issue detailed instructions with regard to the installation and reception of exhibits.

14. *Pricing Goods.*—Exhibitors are particularly requested to mark their goods with the home selling prices, for the information of the jury and public. Prices, weights, and dimensions should be given in French equivalents as well as in British figures.

15. *Placards and Handbills.*—No printed or written placards, handbills, or descriptions may be displayed or distributed without the permission of the Secretary of the Royal Commission. Such permission may be withdrawn at any time.

16. *Dangerous and Unhealthy Exhibits.*—Dangerous articles, specially those of an explosive nature, are excluded. Percussion caps, fireworks, matches, and similar articles will only be accepted in the form of imitations, and on condition that they contain no inflammable matter.

Exhibitors of unhealthy products or of products which may cause inconvenience, must conform at all times to any measures which may be prescribed by the Royal Commission in the interests of public health and safety.

Spirits or alcohols, oils and essences, corrosive substances, and such as are liable to injure other exhibits or inconvenience the public, will only be accepted provided they are contained in such vessels of convenient size, shape, and material as may be approved by the Royal Commission.

17. *Unsuitable Exhibits.*—The French Executive reserve the right to remove at any time any article which they may deem objectionable or unsuitable for exhibition.

18. *Opening and Closing Exhibits.*—All show cases, machinery, and exhibits generally, must be uncovered and properly cleaned each day previous to the hour at which the Exhibition is open to the public. They must not be again covered until the closing of the building.

19. *Attendance of Exhibitors.*—All Exhibits must be on view on every day on which the Exhibition is open. If exhibitors or their representatives do not wish to be in attendance at the Exhibition on Sunday, the Royal Commission will be prepared, if specially requested, to undertake the superintendence of the exhibits on Sunday, on terms to be arranged, but in that event the Royal Commission will not be responsible for any loss, damage, or accident, however occasioned.

20. *Removal of Exhibits.*—No exhibit may be removed before the close of the exhibition without special permission from the French Executive. ***This rule does not apply to articles which exhibitors may be authorised to manufacture in the Exhibition.***

CASES.

21. *Labels.*—All cases containing goods for exhibition must bear special labels, inside as well as outside, which will be supplied to exhibitors in due course.

22. *Unpacking of cases.*—All cases must be unpacked immediately on arrival. Any cases remaining unpacked fifteen days prior to the opening of the Exhibition will be liable to be removed to the Custom House, but neither the French Executive nor the Royal Commission will be responsible for any damage which may arise, or any expense which may be incurred in consequence of such removal.

23. *Storage of Empties.*—Exhibitors must remove from the Exhibition buildings and grounds, with the least possible delay, all empty packing cases and packing materials. The Royal Commission will make arrangements for the collection, storage and re-delivery of cases at a moderate charge on behalf of exhibitors who may desire to avail themselves of such facilities. Cases must be distinctly marked by the exhibitor for the purposes of identification.

GENERAL.

24. *Freight and Duties.*—Information regarding any reduction of freight charges, duties, etc., will be issued by the Secretary of the Royal Commission from time to time.

25. *Customs' Duties. Forwarding of Goods.*—The buildings of the Exhibition will be treated as bonded warehouses. Exhibitors may transmit their goods through the official agents for the Indian Committee, Messrs. Henry S. King & Co., or any forwarding agent, or direct to the Exhibition. Goods will be dealt with according to the ordinary regulations in force in bonded warehouses by a special customs' service connected with the Exhibition. Goods for exhibition only will not be liable to duty, but on goods removed from bond the usual rates will have to be paid.

26. *Copyright.*—No work of art or object exhibited in the buildings or grounds may be drawn, copied or reproduced in any form whatsoever without the exhibitor's written permission, countersigned by the French Executive.

The French Executive may, however, allow general views to be taken and reproduced.

27. *Portection of Patents.*—With regard to inventions, designs, and trade marks, exhibitors will enjoy the rights and protection afforded by the French Law of 23rd May, 1868, within the periods and under the conditions specified in the said Law.

28. *Nature of Awards.*—Awards to exhibitors will take the form of Diplomas signed by the Minister of Commerce, and by the Commissaire-Général.

These diplomas will consist of—

Grand Prize Diplomas.
Gold Medal Diplomas.
Silver Medal Diplomas.
Bronze Medal Diplomas.
Honourable Mention Diplomas.

29. *Compliance with instructions.*—Exhibitors, their representatives and workmen, must comply with all instructions issued by the Secretary of the Royal Commission.

30. *Protection of Exhibits.*—The French Executive will take all precautions for the protection of exhibits, but neither that Executive nor the Royal Commission are to be held responsible for loss or damage however caused. It is left to exhibitors to ensure their own goods should they desire to do so.

31. *Liability of Exhibitors.*—Every exhibitor shows at his own risk in every respect, and it is a condition that he hold the Royal Commission harmless, and indemnify it against any legal proceedings, whether in the French or British Courts, arising from any injury or accident caused or occasioned by his machinery or other article exhibited by him, or from any action which it may be necessary to take in enforcing compliance with the Regulations. The above rule applies to companies and firms as well as to individual exhibitors.

32. *Co-operation of Exhibitors regarding Regulations.*—As the above regualtions are laid down solely in the interests of the general body of exhibitors, and to ensure the satisfactory working of the British Section, the Royal Commission trust that the exhibitors generally will co-operate in carrying them into effect.

33. *Alteration of Regulations.*—These regulations are subject to alteration and amplification from time to time.

34. *Infringement of Regulations.*—The infringement of any of the above regulations, or any of the regulations of the French Executive, will subject the exhibitor to the forfeiture of his space, and to the removal of his goods from the building, without any liability attaching to the French Executive, or to the Royal Commission or their representative, in any way whatsoever, in consequence of such removal. The question whether any such regulations have been infringed, and whether the exhibitor's space has been forfeited, and whether his goods shall be removed, is to be determined according to the sole discretion of the Royal Commission.

In the event of my application being granted (in whole or in part), I undertake to observe and to be bound by the above Regulations.

Signature ______________________

Address ______________________

____

Date ______________________

TO THE HONORARY SECRETARY, INDIAN COMMITTEE,

ROYAL COMMISSION, PARIS EXHIBITION, 1900,

INDIA OFFICE,

WESTMINSTER, S. W.

FROM THE "GAZETTE OF INDIA," DATED MARCH 11TH, 1899.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 9th March, 1899.

No. 277-M.—His Excellency the Viceroy and Governor-General will leave Calcutta for Simla on Monday, the 27th March 1899, by Special Train starting from Howrah at 10-33 P. M. (Calcutta time). His Excellency's departure from Calcutta will be *private.*

His Excellency will visit Lahore, Khanki and Lyallpur and arrive at Simla on Thursday, the 6th April 1899, at about 2 P. M. His Excellency's arrival at Lahore and Simla will be *public.*

All covers intended to reach His Excellency the Viceroy and Governor-General and party during His Excellency's journey should be addressed "Viceroy's Camp" without the addition of any post town.

The party accompanying His Excellency on tour is as follows:—

1. Sir William Cuningham, K. C. S. I., Foreign Secretary—As far as Lahore.
2. Mr. W. R. Lawrence, C. I. E., Private Secretary—Will join at Lahore.
3. Lieutenant-Colonel A. E. Sandbach, Military Secretary.
4. Lieutenant-Colonel E. H. Fenn, C. I. E., Surgeon to the Viceroy.
5. Captain R. G. T. Baker-Carr, A.-D.-C.
6. Captain C. Wigram, A.-D.-C.
7. Mr. F. W. Latimer, Assistant Private Secretary.

All communications connected with business of a mere routine nature should be sent, as usual, to the Head Quarters of the several Departments.

By Command,

ARTHUR SANDBACH, *Lieut.-Colonel,*

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATION.

JUDICIAL.

Calcutta, the 10th March, 1899.

No. 345.—Major J. H. Christie, I. S. C., Cantonment Magistrate of Umballa, is granted furlough, under Article 340 (*b*) of the Civil Service Regulations, for nine months, with effect from the 20th March 1899.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Calcutta, the 9th March, 1899.

No. 495—23-5.—The services of Veterinary Lieutenant H. A. Sullivan are replaced at the disposal of the Military Department, with effect from the date on which he may be relieved of his duties as Professor, Lahore Veterinary College.

No. 496—23-5.—Veterinary Lieutenant W. O. C. Dawson, Army Veterinary Department, is appointed to the Civil Veterinary Department, on probation, and posted to the Punjab.

T. W. HOLDERNESS,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

POST OFFICE.

Calcutta, the 7th March, 1899.

No. 1089-*S.R.*—In exercise of the power conferred by Section 10 (1) of the Indian Post Office Act, 1898 (VI of 1898), and in supersession of so much of the Notification in this Department, No. 5664-S.R., dated the 26th December 1898, as relates to Zanzibar, the Governor-General in Council is pleased to declare that Zanzibar should be added to the List of British Possessions appended to the Notification in this Department, No. 4832-S.R., dated the 4th November 1898, published in the *Gazette of India* of the 5th idem.

H. H. RISLEY,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcatta, the 7th March, 1899.

No. 92.—Brevet-Colonel J. W. Thurburn, R. E., Executive Engineer, 1st grade, Punjab, is appointed to officiate as a Superintending Engineer, with *temporary rank* in the 3rd Class, with effect from the afternoon of the 11th February 1899, *vice* Mr. B. G. Wallis, on furlough, or until further orders.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 23, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 18TH, 1899.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

PLAGUE.

Calcutta, the 17th March 1899.

No. 1024.—In exercise of the powers conferred by Section 2. sub-section (*1*), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to prohibit the bringing of used apparel and bedding (except when carried as the personal baggage of travellers), rags and waste-paper from Calcutta into any part of British India.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 17th March 1899.

No. 752-*I.B.*—Under the provisions of Section 650 A of the Code of Civil Procedure (Act XIV of 1882), the Governor-General in Council is pleased to declare that summonses issued by any Civil or Revenue Court within the territories of His Highness the Nizam of Hyderabad may be sent to the Courts in British India and served as if they had been issued by such Courts.

W. J. CUNINGHAM,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

STAMPS.

NON-JUDICIAL STAMPS.

Calcutta, the 17th March 1899.

No. 1281-*S.R.*—In exercise of the power conferred by Section 20, sub-section (2), of the Indian Stamp Act, 1899 (II of 1899), and of all other powers in this behalf, and in supersession of the notification of the Government of India in the Department of Finance and Commerce, No. 787-S. R., dated the 17th February 1899, the Governor-General in Council is pleased to prescribe the following rates of exchange for the conversion of the currencies hereinafter specified respectively into the currency of British India for the purposes of calculating *ad valorem* duty on instruments chargeable therewith :—

Currency.	Sum.	Equivalent in currency of British India.
British	£ 1 sterling ...	Rs. 15; but in the case of Bills of Exchange (Article No. 13, Schedule I) Rs. 10 only.
French	1 franc ...	$\frac{3}{5}$ of a Rupee, *i.e.*, Fcs. 25 = Rs. 15.
German	1 mark ...	$\frac{3}{4}$ of a Rupee, *i.e.*, Mks. 20 = Rs. 15.
United States or Canadian	1 dollar ...	Rs. 3 0 0
Chinese	1 tael ...	Rs. 2 0 0
British (Asiatic Possessions)	1 dollar* ...	Re. 1 8 0
Mexican	1 " * ...	Re. 1 8 0
Japanese	1 yen ...	Re. 1 8 0
Persian	1 krán ...	Re. 0 4 0

*That is, the "British Dollar" and the "Mexican Dollar" which are in current use in the Straits Settlements and elsewhere.

H. H. RISLEY,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 17th March 1899.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 303.—*1st Punjab Volunteer Rifles*—

Charles Herbert Atkins, Esquire, I. C. S., to be Captain, *vice* Browne, retired.

No. 304.—In G. G. O. No. 163, dated the 10th February 1899, *for* "Arthur Evile," *read* "Arthur Evill."

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 14th March 1899.

No. 106.—In supersession of Public Works Department Notification No. 72, dated 20th February 1899, Rai Pundit Prem Nath, Bahadur, Examiner, Public Works Accounts, Punjab, is appointed to officiate as Examiner of Accounts, North-Western Railway, in addition to his own duties, pending the arrival of Mr. W. F. O'Donoghue.

F. R. UPCOTT,

Secretary to the Government of India.

The 14th March 1899.

No. 103.—Mr. B. Parkes, Executive Engineer, 1st Grade, Punjab, is temporarily transferred to Bengal and appointed to officiate as a Superintending Engineer, with temporary rank in the 3rd Class, with effect from the forenoon of the 20th February 1899, during the absence of Mr. W. Connan on furlough, or until further orders.

The 15th March 1899.

No. 107.—The services of Brevet Colonel J. W. Thurburn, R.E., Superintending Engineer, 3rd Class, temporary rank, are placed temporarily at the disposal of the Government of India, Military Department.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 30, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 25TH, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Calcutta, the 23rd March 1899.

No. 660.—In exercise of the power conferred by Section 7 of the Indian Explosives Act, 1884 (IV of 1884), the Governor-General in Council is pleased to make the following rule conferring certain powers on the Chief Inspector of Explosives with the Government of India :—

Rule.

The Chief Inspector of Explosives with the Government of India may, in any part of British India,—

(*a*) enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, possessed, used, sold, transported or imported under a license granted under the Indian Explosives Act, 1884 (IV of 1884), or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of that Act, or of the rules under that Act;

(*b*) search for explosives therein ;

(*c*) take samples of any explosives found therein on payment of the value thereof ; and

(*d*) seize, detain, remove and, if necessary, destroy or otherwise render harmless any explosive found therein in respect of which he has reason to believe that the provisions of the said Act or of the rules under that Act have been contravened :

Provided as follows :—

(1) Whenever the said Chief Inspector of Explosives seizes, detains or removes any such explosive, he shall report the fact to the District Magistrate.

(2) The said Chief Inspector of Explosives shall not destroy or otherwise render harmless any such explosive without the previous sanction of the District Magistrate, unless the matter appears to him urgent and fraught with serious public danger; and in such cases he shall take and keep a sample of the explosive, and shall, if required, give a portion of the sample to the person owning the explosive or having the same under his control at the time of seizure, and shall report the circumstances to the District Magistrate.

The 24th March 1899.

No. 666.—In exercise of the powers conferred by Section 4 of the Indian Arms Act, 1878 (XI of 1878), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Home Department, No. 518, dated the 6th March 1879, as already amended by the notification hereinafter mentioned :—

Clauses of Notification No. 518, dated the 6th March 1879.	Amending Notification.	Amendment now directed.
Paragraph IV	No. 2639, dated the 3rd October 1888.	For the amending Notification the following is substituted :— In exercise of the powers conferred by Section 4 of the Indian Arms Act, 1878, and in continuation of Home Department Notification No 508, dated the 1st March 1888, the Governor-General in Council is pleased to extend Sections 5, 7, 14, and 16 of the said Act to all saltpetre and lead (except sheet lead used for the purpose of packing tea and saltpetre in quantities under one pound weight when used by goldsmiths for the purposes of their trade) throughout Burma.

SANITARY.

PLAGUE.

The 22nd March 1899.

No. 1148.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Hardwar in the Sahâranpur District of the North-Western Provinces, if pilgrims or other persons from the Bombay Presidency, excluding Sind with the exception of Karâchi, or from certain portions of the Jullundur District in the Punjab, are permitted to assemble at Hardwar on the occasion of the ensuing Varuni and Dikhanti fairs:

In exercise of the powers conferred by Section 2, sub-section (*1*), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to any station between Sahâranpur and Lhaksar Junction (both inclusive) and to any station between Lhaksar Junction and Hardwar (both inclusive) on the Oudh and Rohilkhand Railway shall be sold from the 25th March to the 14th April 1899 (both days inclusive) within the Bombay Presidency, excluding Sind with the exception of Karâchi, and in the Punjab, at any railway station between Beas and Ludhiâna (both inclusive) or other stations at which special punch-marked tickets are now being issued, to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to the Varuni and Dikhanti fairs.

The 24th March 1899.

No. 1186.—The services of Mr. P. Donaldson, Superintendent of the Presidency Jail, Calcutta, are placed temporarily at the disposal of the Government of the Punjab.

JUDICIAL.

The 23rd March 1899.

No. 429.—Major C. J. Dennys, Indian Staff Corps, Cantonment Magistrate of Peshāwar, is granted furlough, under Article 340 (*b*) of the Civil Service Regulations, for one year, with effect from the 11th April 1899.

A. H. L. FRASER,
Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

STATISTICS AND COMMERCE.

CUSTOMS.

Calcutta, the 20th March 1899.

No. 1327-*S.R.*—In exercise of the powers conferred by section 8 A of the Indian Tariff Act, 1894 (VIII of 1894, as amended by Acts III of 1896 and XIV of 1899), the Governor-General in Council is pleased to impose, with effect from this date, the following further duties, in addition to those chargeable under No. 8 of the fourth schedule to the said Act, upon the importation into British India of sugar of the kinds hereinafter specified, produced in or exported from the countries hereinafter mentioned under bounties as hereinafter determined and declared, whether the same is imported directly from the country of production or otherwise, and whether it is imported in the same condition as when exported from the country of production or has been changed in condition by manufacture or otherwise :—

Countries.	Kinds of Sugar.	Bounties bestowed.	Additional dutie to be levied.
			Per cwt. Rs. A. P.
Argentine Republic ...	All kinds	6 centavos per kilogram ...	9 2 0
Austria-Hungary ...	Sugar under 93 per cent and of at least 88 per cent. polarization.	1·37 florins per 100 kilograms ...	0 14 0
	Sugar under 99½ per cent. and of at least 93 per cent. polarization.	1·46 ditto ...	0 15 0
	Sugar of at least 99½ per cent. polarization.	2·10 ditto ...	1 5 0
Belgium	Raw sugar	4·50 francs per 100 kilograms ...	1 6 0
	Refined sugar	5·36 ditto ...	1 10 0
Denmark	Refined sugar	1·12 crowns per 100 kilograms ..	0 8 0
France	Raw sugars from 65 to 98 per cent polarization for beet-root sugars or 65 to 97 per cent. for French colonial sugar.	10·82 francs per 100 kilograms of refined sugar of 100 per cent. polarization.*	3 4 0
	Sugar candies	11·51 francs per 100 kilograms...	3 7 6
	Refined sugars in loaf or crushed, clear, hard and dry.	ditto ...	3 7 6
	Raw and refined sugars in grains or crystals of a minimum standard of 98 per cent. polarization.	11·17 ditto ...	3 6 0

* The output of refined sugar from raw is computed by deducting from the polarization of the raw sugar twice the glucose, four times the ashes, and one and a half per cent. for loss in refining.

Countries.	Kinds of Sugar.	Bounties bestowed.	Additional duties to be levied.
			Per cwt. Rs. A. P.
Germany	Raw sugar of at least 90 per cent. polarization and refined sugar under 98 per cent and of at least 90 per cent. polarization	2·50 marks per 100 kilograms ...	0 15 3
	Candy and sugar in white, hard loaves, blocks, crystals, &c., of at least 99½ per cent. polarization.	3·55 ditto ...	1 6 0
...	All other sugar of at least 98 per cent. polarization.	3 ditto ...	1 2 0
Holland	Raw beet-sugar of less than 98 per cent polarization.	2·2354 florins per 100 kilograms of hard refined (100 per cent).*	1 7 0
	Raw beet sugars of at least 98 per cent. polarization,	¾ths of above bounty, or 1·7655 florins per 100 kilograms of hard refined.*	1 2 0
	Refined beet-root sugars ...	0 2946 florins per 100 kilograms of hard refined, in addition above rate.	0 3 0 In addition to above rate.
	Refined sugar from materials other than beet-root raw sugar.		
Russia	Sugar of at least 99 per cent. polarization.	0·50 rouble per pood (36·113lb avoirdupois).	3 11 0
	Sugar of less than 99 per cent. polarization, but not less than 88 per cent.	0·44 rouble per pood ...	3 4 0
	Sugar of less than 88 per cent., but not less than 75 per cent.	0·38 ditto ...	2 13 0

*The output of refined sugar from raw is computed by deducting from the polarization of the raw sugar twice the glucose, four times the ashes, and one and a half per cent. for loss in refining.

ACCOUNTS AND FINANCE.

MINT.

RESOLUTION.

No. 1404-*A*.

The 24th March 1899.

READ—

Notification by the Government of India in the Finance and Commerce Department, No. 664, dated the 13th February 1891.

RESOLUTION.—In paragraph 2 (3) of the Notification read in the preamble, it is laid down that when any rupee or half-rupee purporting to be coined and issued under the authority of the Government of India is tendered to any officer authorised to act under section 16 of the Indian Coinage Act, 1870, and the officer has reason to believe it to have lost by reasonable wearing more than 2 per cent. in weight, he shall receive such rupee or half-rupee at its full nominal value, but shall immediately cut or break it.

It has, however, in practice been found difficult to decide whether a loss exceeding 2 per cent. has been caused by fraud or by reasonable wear. A series of experiments conducted at the Indian Mints has proved that, during a period of 55 years, the normal life of a coin, reasonable wear will ordinarily reduce the weight of a rupee by 2 per cent., that is, 3·6 grains, and that a loss amounting to so much as ten grains has always been the result of fraud.

2. In order to secure the withdrawal from circulation of light-weight coins, the Government of India will in future refrain from presuming the existence of fraud in all cases where the loss does not exceed 6¼ per cent., that is, 11¼ grains in the case of a rupee and 5⅝ grains in the case of a half-rupee, but any loss in excess of that will be taken to indicate with certainty that the coin has been fraudulently reduced.

3. Under paragraph 2 (1) of the Notification of the 13th February 1891, silver coins reduced in weight otherwise than by reasonable wear must be cut and returned to the tenderer, who, in the present circumstances of the currency, would sustain a considerable loss, though often innocent of the fraud and ignorant of it. In order to minimise this loss, His Excellency the Governor-General in Council is pleased to rule that officers who are authorised to cut coin shall, if the tenderer prefers it, instead of returning the cut coin, pay for it at the following rates :—

Rupees and half-rupees weighing not less that $\frac{15}{16}$ths of their proper weight shall be accepted at their nominal value and withdrawn from circulation at Government cost; those weighing between $\frac{15}{16}$ and $\frac{7}{8}$ shall be accepted, respectively, at 14 annas and 7 annas each; those between $\frac{7}{8}$ and $\frac{13}{16}$ at 13 annas and 6½ annas each, respectively; and those between $\frac{13}{16}$ and $\frac{3}{4}$ at 12 annas and 6 annas each, respectively.

4. Where, however, the deficiency in weight amounts to more than 25 per cent., the tenderer will be held to have been so culpably careless that no concession will be made, and he will be left to bear the loss arising from the cutting of the coin which is imposed upon him by the law.

5. The above ruling will apply to dealings with the public who tender individual short-weight rupees and half-rupees Light-weight coins found in remittances from Treasuries and Presidency Banks will be accepted on the same conditions as regards loss of weight, that is to say, coins which have lost not more than 6¼ per cent. will be accepted at their full nominal value and those which have lost more than 25 per cent. will be cut and rejected. But the allowance for loss of weight within those limits will be at the rate of one rupee a tola on the total weight of all such coins found in the remittance, and not at a fixed rate for each coin.

6. Minimum weights of $\frac{15}{16}$, $\frac{7}{8}$, $\frac{13}{16}$, $\frac{3}{4}$, $\frac{15}{32}$, $\frac{7}{16}$, $\frac{13}{32}$ and $\frac{3}{8}$ tola a piece will be supplied by the Mints to the Treasury Officers through the Accountants-General, the cost being charged as contingent expenditure of the Mints.

ORDER.—Ordered, that this Resolution be communicated to all Local Governments and Administrations; to the Comptroller and Auditor-General, and to the Mint Masters, Calcutta and Bombay.

Ordered also, that the Resolution be published in the *Gazette of India* for general information.

H. H. RISLEY,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 16th March 1899.

No. 108.—Mr. R. W. Rowland, Executive Engineer, 3rd Grade, Punjab, was permitted to retire from the service, with effect from the afternoon of the 11th February 1899, under Article 712, Civil Service Regulations.

T. HIGHAM,

Joint Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATIONS.

Simla, the 17th March, 1899.

No. 6.—No. 766 second Grade Military Hospital Assistant Nizam-ud-din, in charge of the Kurram Militia, having passed the examination in Pashtu is allowed to draw, with effect from 5th November 1898, the allowance of Rs. 5 per mensem, sanctioned in Government of India, Financial Department, Resolution No. 4011, dated the 3rd November 1886.

No. 7.—Second Class Military Assistant Surgeon C. A. Owen, Assistant to the Civil Surgeon of Lahore, is granted furlough out of India for one year, under the Furlough Rules of 1889, with effect from the 16th April 1899, or from such date as he may avail himself of the same.

J. T. W. LESLIE, *M. B., Major, I.M.S.*,

for *Director-General, Indian Medical Service.*

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 6, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 30TH, 1899.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

No. S. R.—1429 C.

Calcutta, the 30th March 1899.

In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), and in supersession of all existing notifications under that Act or the Indian Post Office Act, 1866 (XIV of 1866), the Governor-General in Council is pleased to issue the following rules and orders :—

PART 1.—RATES OF POSTAGE.

I.—Inland postal articles.

1. The following rates of postage shall be chargeable on postal articles where the postage is prepaid :—

Letters.

For a letter not exceding half a tola in weight	... Half an anna.
For a letter exceeding half a tola but not exceeding one tola and a half in weight	... One anna.
For every additional one tola and a half or part of that weight ...	... One anna.

Postcards.

For a single postcard	... One-quarter of an anna.
For a reply postcard	... Half an anna.

Book, pattern and sample packets.

For every ten tolas or part of that weight	... Half an anna.

Registered newspapers.

For a newspaper not exceeding four tolas in weight	... One-quarter of an anna.
For a newspaper exceeding four tolas but not exceeding twenty tolas in weight	... Half an anna.
For every additional twenty tolas or part of that weight ...	... Half an anna.

Parcels.

For a parcel not exceeding twenty tolas in weight	... Two annas.
For a parcel exceeding twenty tolas but not exceeding forty tolas in weight	... Four annas.
For every additional forty tolas or part of that weight	... Four annas.

2. The following rates of postage shall be chargeable on the delivery of postal article where the postage is not prepaid or is insufficiently prepaid :—

On an unpaid letter, postcard of private manufacture or packet ...	... Double the prepaid rate.
On an insufficiently paid letter or packet	... Double the deficiency.
On an unpaid registered parcel ...	... The prepaid rate (and registration fee).

II.—Foreign postal articles.

3. The following are declared to be the rates of postage chargeable on postal articles where the postage is prepaid :—

Letters.

For the United Kingdom and the following British Possessions and Protectorates :—

Ascension.
Bahamas.
Barbados.
Bermuda.
British Central Africa.
British East Africa.
British Guiana.
British Honduras.
Canada.
Cyprus.
Falkland Islands.
Fiji Islands.
Gambia.
Gibraltar.
Gold Coast Colony.
Hong Kong.
Johore.
Lagos.
Leeward Islands, namely—
  Antiqua.
  St. Kitts.
  Nevis.
  Dominica.
  Montserrat, and the
  Virgin Islands.

Malay States (Protected), namely—
  Perak,
  Selangor,
  Negri-Sembilan, and
  Pahang.
Natal.
Newfoundland.
Niger Coast Protectorate.
Niger Territory.
St. Helena.
Sarawak.
Seychelles.
Sierra Leone.
Straits Settlements.
Tobago.
Trinidad.
Turks Islands.
Ugada.
Windward Islands, namely—
  Grenada.
  St. Lucia.
  St. Vincent.
  Zanzibar.

For a letter not exceeding half an ounce in weight	One anna.
For every additional half ounce or part of that weight	One anna.

For any other part of the world served by the Foreign post with the exception of Ceylon :—

For a letter not exceeding half an ounce in weight	Two-and-a-half annas.
For every additional half ounce or part of that weight	Two-and-a-half annas.
For Ceylon	Indian inland rates.

Postcards.

For any part of the world served by the Foreign post with the exception of Ceylon :—

For a single postcard	One anna.
For a reply postcard	Two annas.
For Ceylon	Indian inland rates.

Printed papers (including newspapers and books).

For any part of the world served by the Foreign post with the exception of Ceylon :—

For a packet not exceeding two ounces in weight	Half an anna.
For every additional two ounces or part of that weight	Half an anna.
For Ceylon	Indian inland rates.

Business papers (legal and commercial documents).

For any part of the world served by the Foreign post with the exception of Ceylon :—

For a packet not exceeding ten ounces in weight	Two-and-a-half annas.
For every additional two ounces or part of that weight	Half an anna.
For Ceylon	Indian inland rates.

Samples.

For any part of the world served by the Foreign post with the exception of Ceylon :—

For a packet not exceeding four ounces in weight	One anna.
For every additional two ounces or part of that weight	Half an anna.
For Ceylon	Indian inland rates.

Registered newspapers.

For Ceylon	Indian inland rates.

Parcels.

The Director-General shall, from time to time, declare in the Indian Postal Guide the countries and places to which parcels may be transmitted by the Foreign post, and the rates of postage chargeable in each case.

In the case of Ceylon the Indian inland rates of postage shall be applicable, provided that prepayment of postage, and registration, shall be compulsory.

4. The following are declared to be the rates of postage chargeable on the delivery of postal articles, other than parcels received by the Foreign post, where the postage is not prepaid or is insufficiently prepaid :—

When the postage is not prepaid ...	Double the prepaid rate.
When the postage is insufficiently prepaid ...	Double the deficiency.

PART II.—MAIN CONDITIONS OF TRANSMISSION BY POST OF POSTAL ARTICLES.

I.—Inland postal articles.

(a) Postcards.

5. Single and reply cards of private manufacture, with or without adhesive postage stamps affixed thereto in payment of postage, may be transmitted by post as postcards:

Provided that they are in conformity, as regards size and weight, with the inland postcards issued by the Post Office.

6. (*1*) Nothing shall be written on the address-side of a postcard except—

(*a*) the heading "Postcard" or "Reply Postcard;"

(*b*) the name and address of the addressee ;

(*c*) the name and address of the sender ;

(*d*) the date of posting ;

(*e*) engravings or advertisements, provided that sufficient space is left for a clear address and for the official marks of the Post Office.

(*2*) Nothing shall be affixed or attached to a postcard except—

(*a*) on the address-side, postage stamps in pre-payment of postage and the registration-fee (if any), or an address-label bearing the name and address of the addressee and not exceeding in size 2 inches in length by ¾ of an inch in width ;

(*b*) on the other side, receipt stamps.

Explanation.—The sender of a reply-postcard may affix to the address-side of the reply-half an address-label bearing his name and address and not exceeding in size 2 inches in length by ¾ of an inch in width.

(*3*) A postcard shall not be folded, cut or otherwise altered, except that the impressed postage stamp (if any) may be perforated with initials.

7. Should any of the conditions imposed by Rules 5 and 6 be infringed, the postcard shall be treated as a letter.

(b) Book packets.

8. A book packet may contain any of the following articles :—

(1) Newspapers and publications of all kinds ; books, whether blank or printed ; engravings, photographs, drawings, plans, maps, printed music, and proof sheets, with or without the manuscript relating thereto ; blank paper, parchment, or card-board ; and, generally, anything printed, engraved, lithographed or papyrographed on papper, parchment or card-board.

(2) Business papers, written or drawn wholly or partly by hand, not being of the nature of a letter or having the character of a personal communication, such as deeds, bills of lading, invoices, accounts ; and manuscript of all kinds, including manuscript music, not being of the nature of personal correspondence.

(3). Written letters of old date which have previously passed through the post and served their original purpose.

With any of the above mentioned articles may be sent anything that is necessary for their safe transmission through the post, such as rollers, etc., and with any of the articles mentioned in clause (1) may be sent any legitimate binding, mounting, or covering, loose or attached, and anything that ordinarily appertains to such articles, as pens and pencils in the case of a pocket-book, photographs in the case of a photograph-book, and card-plates in the case of visiting cards.

Manuscript for the press shall not be reckoned as having the character of personal correspondence within the meaning of clause (2), and may be sent as a book packet.

9. No communication of the nature of a letter, or having the character of a personal communication, shall be enclosed with, or written upon, the contents of a book packet:

Provided that nothing in this rule shall be held to prohibit inscriptions or entries stating who the sender is or to whom the articles are to be given, or to prohibit purely complimentary greetings from being entered, in writing or otherwise, on Christmas, New Year and Birthday cards and similar articles.

10. A book packet shall not contain "paper-money," which for the purposes of this rule includes unobliterated postage or other stamps, currency notes, hundies, cheques, bank-notes, bankpost bills, bills of exchange, and all orders or authorities for the payment of money.

Explanation.—This rule shall not apply to a book packet containing a stamped and addressed envelope, postcard, or wrapper, forwarded by the sender of the packet in order that such envelope, card, or wrapper may be returned through the post to the sender or sent to some other person designated by him.

11. The dimensions of a book packet, which may be of any shape, shall not exceed two feet in length by one foot in width and one foot in depth. When, however, the packet is in the form of a roll, the length shall not exceed thirty inches:

Provided that, if the length exceeds twenty-four inches (two feet), the diameter shall not exceed four inches.

12. A book packet shall be posted without a cover, or with a cover entirely open at both ends, or in an unfastened envelope or in a cover which can be easily removed so as to admit of a ready examination of the contents. The ends of the packet, however, may be tied with string.

Illustration.—A closed envelope notched at the sides or ends does not admit of a ready examination of its contents, and does not, therefore, fulfil the conditions prescribed by this rule.

13. If a book packet is found to contain anything not permitted by the rules, or to be in excess of the prescribed size, or to be packed in a manner not in accordance with the rules, it shall be charged on delivery with letter or parcel postage, whichever may be less. Any postage stamps that may be affixed to it shall, however, be recognised in assessing the charge.

(c) Pattern packets.

14. A pattern packet may contain ***bonâ fide*** trade patterns or samples of merchandise not having any saleable value, together with, or without, any matter which may be sent as a book packet. There shall be no writing upon or in a pattern packet, except the name and address of the sender, the name and address of the person for whom it is intended, a trade mark, numbers, prices, and indications as to the weight, size or quantity to be disposed of.

15. The dimensions of a pattern packet shall not exceed two feet in length by one foot in width and one foot in depth; and the weight shall not exceed forty tolas.

16. A pattern packet shall be posted without a cover, or with a cover open at both ends, or in an unfastened envelope or other cover which can be easily removed so as to admit of a ready examination of the contents. Samples of seeds, drugs, and other articles which cannot be sent in unfastened or removable envelopes may be sent enclosed in boxes or bags, provided that they are fastened in such a way that they can be easily opened. They may also be sent in air-tight cases when necessary, provided that the nature of the contents is certified on the cover under the full signature and address of the sender.

17. If a pattern packet is found to contain anything not permitted by the rules, or to be in excess of the prescribed size or weight, or to be packed in a manner not in accordance with the rules, it shall be charged on delivery with letter or parcel postage, whichever may be less. Any postage stamps that may be affixed to it shall, however, be recognised in assessing the charge.

(d) Registered newspapers.

18. Newspapers as defined in Section 9 of the Indian Post Office Act, 1898 (hereinafter referred to as "the Act") shall be transmitted by post as registered newspapers, provided that they are posted in accordance with the following conditions :—

(1) The newspaper shall be registered in the office of the Postmaster-General or officer exercising the powers of the Postmaster-General, of the postal circle in which it is published. Such registration shall cease to have effect at the close of the calendar year following that in which it was effected, and must be renewed if a continuance of the privilege conferred by the system beyond that time is desired.

(2) The postage shall be prepaid by postage stamps.

(3) The newspaper shall bear in print immediately above the address the word "Registered" followed by the registration-number which shall be assigned to it by the Postmaster-General or other officer referred to in condition (1).

(4) The newspaper shall be posted at the place of publication.

(5) The newspaper shall be posted without a cover or in a short cover open at the ends.

(6) There shall be no word printed on the newspaper after its publication or upon the cover (if any) thereof, nor shall any writing or mark be made upon it or upon the cover (if any) thereof, except the name and address of the person to whom it is sent, and, if desired, the name and address of the newspaper, or of the sender.

(7) There shall be no paper or thing enclosed in or with any such newspaper other than an extra or supplement as specified in section 9 of the Act.

Nothing in this rule shall be held to prevent newspapers being transmitted by post, either singly or otherwise, at the rates, and under the conditions, prescribed for book packets.

(e) Parcels.

19. A parcel may contain one (but shall not contain more than one) written communication of the nature of a letter, or having the character of a personal communication:

Provided that the communication shall be addressed only to the addressee of the parcel itself.

20. A parcel shall not exceed 440 tolas in weight, unless it is registered, in which case the weight shall not exceed 25 seers (2,000 tolas). A parcel shall not be of a kind which, owing to size, shape, manner of packing, or any other cause, cannot be carried by post without serious inconvenience or risk.

21. The postage on a parcel, unless it is a registered parcel, shall be fully prepaid by means of postage stamps which shall be affixed either to the cover of the parcel or to an official label which can be obtained free at the post office. In either case, the sender or his messenger shall affix the stamps himself, postal officials being strictly forbidden to affix them.

The postage, including the registration fee, on a registered parcel may be either fully prepaid or wholly unpaid: partial prepayment of postage shall not be recognized.

22. Every parcel intended for transmission by post shall be presented at the window of the post office. Any parcel found in a letter-box shall be treated and charged as a registered parcel.

(f) Re-direction of postal articles.

23. A postal article re-directed to any place served by the Inland post by an officer of the Post Office or by an agent of the addressee after its delivery shall be transmitted by post free of charge in respect of such further transmission:

Provided that,—

(1) in the case of an unregistered article re-directed by an agent of the addressee,—the article has not been opened and has been either returned to the postman or re-posted at the place of delivery; and,

(2) in the case of a registed article re-directed by an agent of the addressee,—the article has not been opened and has been returned to the postman at the place of delivery with the receipt unsigned.

24. A postal article re-posted after having been opened, or re-posted at any place other than the place at which it was delivered, shall be treated as a postal article posted for the first time, and charged with postage accordingly. A registered article of which delivery has been taken can be re-posted only under the conditions prescribed for the posting of registered articles for the first time.

II.—Foreign postal articles.

25. The Director-General shall, from time to time, notify in the Indian Postal Guide the conditions in force for the transmission of postal articles by the Foreign post:

Provided that the rules relating to inland registered newspapers shall be deemed to apply in the case of newspapers sent to Ceylon.

Treatment of postal articles from abroad bearing fictitious or previously used stamps.

26. Where a postal article has been received by post from any place beyond the limits of British India, bearing a fictitious or previously used postage stamp, and the addressee of such postal article has failed to attend, by himself or his agent, at the post office of delivery within the time specified in the notice sent to him in that behalf, or, having so attended, has refused to make known the name and address of the sender or to re-deliver the postal article or such portion thereof as may be required under section 27 of the Act, and, in consequence of such failure or refusal, the postal article has not been delivered to the addressee or his agent, the postal article shall be disposed of in the following manner:—

The officer in charge of the post office at which the postal article has been received for delivery, shall record a statement, in such form as the Director-General shall prescribe, setting forth the action taken by him under the provisions of section 27 of the Act, and the fact of such failure or refusal as aforesaid on the part of the addressee or his agent; and shall forward the statement, together with the postal article, through the usual channel, to the Director-General.

The Director-General shall then, in due course, transmit the statement, together with the postal article, to the Postal Administration of the place beyond the limits of British India from which the article was received.

PART III.—REGISTRATION OF POSTAL ARTICLES.

I.—Inland postal articles.

27. Letters, postcards, book and pattern packets and parcels may be registered at any post office for transmission by post to any other post office.

28. In addition to the postage, the following further fees shall be charged for the registration of postal articles:—

For a letter, postcard, or book or pattern packet	...	2 annas.
For a parcel not exceeding 20 tolas in weight	...	2 annas.
For a parcel exceeding 20 tolas in weight ...	...	4 annas.

29. The prepayment of the postage and registration fee shall be optional in the case of uninsured registered parcels, and shall be compulsory in the case of all other registered articles. Prepayment of the postage and registration fee on registered articles shall be made by means of postage stamps affixed to the articles.

30. Articles intended for registration shall be presented at the window of the post office.

31. A receipt shall be given to the person who presents an article for registration at the post office window during the hours prescribed for posting registered articles.

32. No registered article shall be delivered to the addressee unless and until he or his agent has signed a receipt for it in such form as the Director-General shall prescribe.

33. The sender of a registered article shall be entitled to obtain an acknowledgment of its delivery signed by the addressee by paying a fee of one anna, in addition to the postage and registration fee, at the time of posting the article. The fee for a special acknowledgment shall be paid by means of postage stamps affixed to the article, in the case of registered postcards, letters, and packets, and in cash in the case of registered parcels.

34. The sender of a registered article may obtain an attested copy of the original receipt signed by the addressee on payment of a special fee of three annas, provided that he makes his application for it within six months of the date on which the addressee signed the original receipt.

35. Registration shall be obligatory in the case of—

(1) any parcel exceeding 440 tolas in weight;

(2) any parcel for which the postage is not prepaid;

(3) any insured parcel; and

(4) any parcel addressed to a place for which a customs declaration is required.

36. (1) A currency note, or any portion of a currency note, may be sent by post only in a registered cover. Registration shall be compulsory in the case of a postal article which contains postage or other stamps or labels, or a cheque, hundi, bank note, bankpost bill, bill of exchange, or the like, if the contents are either superscribed upon the cover, or are known or manifest to the officers of the Post Office owing to the transparency, insecurity or insufficiency of the cover, or to any other cause. Nothing in this rule shall be held to render registration of a packet compulsory only by reason that it contains a stamped envelope, postcard, or wrapper as provided by the explanation to rule 10.

(2) Twice the fee for registration shall be levied on the delivery of any postal article required under this rule to be registered at the time of posting on which the fee for registration has not been prepaid.

II.—Foreign postal articles.

37. Letters, postcards and packets may be registered at any post office for transmission to countries and places served by the foreign post, subject to such exceptions as the Director-General shall, from time to time, notify in the Indian Postal Guide.

38. In addition to the postage, a further fee of two annas shall be charged for the registration of any article to be sent by the foreign post.

39. The prepayment of the postage and registration fee on foreign registered articles shall be compulsory, and shall be made by means of postage stamps affixed to the articles.

40. Rules 30, 31 and 32, relating to the registration of inland postal articles, shall be equally applicable to registered articles sent or received by the foreign post.

41. The sender of a registered article addressed to any country belonging to the Universal Postal Union shall be entitled to obtain an acknowledgment of its delivery by paying, at the time of posting the article, a fee, in addition to the postage and registration fee, of one anna in the case of a registered article addressed to Ceylon, and of two annas in the case of a registered article addressed to any other such country.

PART IV.—INSURANCE OF POSTAL ARTICLES.

I.—Inland postal articles.

42. Registered letters, value-payable registered letters and registered parcels may be insured up to the value of Rs. 500 at such branch post offices, and up to the value of Rs. 2,000 at such other post offices, as may be authorized by the Director-General to accept articles for insurance :

Provided that in no case shall such value exceed the real value of the contents of the article insured.

43. Insurance shall be of two kinds, complete and partial. Complete insurance shall cover all risks in course of transmission by post. Partial insurance shall cover all risks in course of transmission by post in British territory, and all risks, except those arising out of highway robbery, in course of transmission by post in such Native State territory as may be specified in this behalf by the Director-General in the Indian Postal Guide.

44. In addition to the postage and the fee for registration, the following further fees shall be charged for insurance :—

	Annas.
Where the value insured does not exceed Rs. 50 ...	2
Where the value insured exceeds Rs. 50 but does not exceed Rs. 100	4
For every additional Rs. 100 or fraction thereof ...	4

The further fees in the case of partially insured articles shall be charged at only half the above rates.

45. The prepayment of all charges on insured articles, namely, postage, registration fees and insurance fees, shall be compulsory. Payment in all cases shall be made by means of postage stamps affixed to the articles.

46. The cover of a letter intended for insurance shall be of strong paper or other substantial material, securely closed and sealed at intervals not exceeding two inches along each fold or seam. A parcel intended for insurance shall be securely packed in an outer covering of cloth, waxcloth or wood. If the parcel is packed in cloth or waxcloth, it shall bear seals at intervals not exceeding three inches over each seam. All the seals affixed to an insured article shall be of the same kind of wax and shall bear distinct impressions of the same device. The device shall not be that of a current coin or merely a series of straight, curved or crossed lines.

47. The minimum size for an insured parcel shall be 12 cubic inches.

48. An article intended for insurance shall be presented at the window of the post office with the amount for which the sender wishes it to be insured, clearly written, in words and figures, on the cover. The name and address of the sender shall also be written on the cover in the lower left-hand corner, or on a separate slip of paper, to be presented with the article, should there be no room for his name and address on the cover.

49. A receipt shall be given to the person who presents an article for insurance at the post office window during the hours prescribed for posting insured articles.

50. The sender of an insured article shall be entitled to obtain, free of charge, an acknowledgment of its delivery signed by the addressee.

51. There shall be payable to the sender of an insured postal article compensation not exceeding the amount for which the article has been insured, for the loss of the postal article or its contents or for any damage caused to it in course of transmission by post:

Provided that the compensation shall in no case exceed the value of the article lost or the amount of the damage caused and provided that in the case of loss the sender shall furnish full particulars of the contents of the postal article and their value :

Provided, also, that no compensation shall be payable—

(*a*) where there has been misdelivery arising out of incorrectness or incompleteness of the address written by the sender ;

(*b*) where there has been fraud on the part of the sender or addressee ;

(*c*) where the insured article has been delivered to the addressee and he has signed and returned the receipt therefor ;

(*d*) where the sender has not given intimation of the loss within three months from the date of posting ;

(*e*) where the damage was due to improper or insecure packing ;

(*f*) where there is no visible damage to the cover or seals ; or,

(*g*) in the case of partially insured articles, where the loss or damage was caused by highway robbery during the transit in respect of which the insurance is partial only.

52. Compensation shall be payable one month after the date on which intimation of loss is given by the sender to the Post Office, except in cases in which the Postmaster-General may consider that the circumstances demand the withholding of payment pending inquiry. When compensation has been paid for the loss of a postal article or its contents, the Post Office shall be entitled to retain, and dispose of, such postal article or its contents should they be subsequently recovered, and the compensation paid not be refunded on demand being made.

53. Coin, bullion, precious stones, jewellery and articles of gold or silver may be sent by post only in insured registered letters or insured parcels. If a letter or parcel presented at the post office window is found to contain any such object of value, it shall not be accepted for transmission by post, unless the sender insures it; and, if an uninsured article manifestly containing any such object of value is found in course of transmission by post, it shall be either intercepted and returned to the sender or forwarded to destination and delivered to the addressee subject to the payment of a fee of one rupee. The payment of this fee shall not impose any liability on the Government.

Explanation.—In this rule, the expression "articles of gold or silver" includes articles made wholly or partly of gold or silver, but not electro or other plated goods or gold or silver lace or embroidery.

II.—Foreign parcels.

54. The Director-General shall, from time to time, notify in the Indian Postal Guide the countries and places for transmission to which foreign parcels may be insured, and the limit up to which such parcels may be insured in each case :

Provided that in no case shall such value exceed the real value of the contents of the parcel insured.

55. In addition to the postage, the following further fees shall be charged for insurance :—

(a) For insurance to Ceylon.

		Annas.
Where the value insured does not exceed Rs. 100	...	4
For every additional Rs. 100 or fraction thereof	...	4

(b) For insurance to other countries or places.

Where the value insured does not exceed £ 5	...	6
For every additional £ 5 or fraction thereof	...	6

56. The prepayment of all charges on insured foreign parcels shall be compulsory. Payment in all cases shall be made by means of postage stamps affixed to the parcels.

57. A foreign parcel intended for insurance shall be packed securely and substantially, with due regard to the nature of the contents and the length of the journey, in an outer covering of cloth and canvas or other substantial material shall bear seals of wax or lead at intervals not exceeding three inches along each line of sewing or join. All the seals affixed to an insured foreign parcel shall be of the same kind of wax or lead and shall bear distinct impressions of the same device. The device shall not be that of a current co in or merely a series of straight, curved or crossed lines.

58. A foreign parcel intended for insurance shall be presented at the window of the post office with the amount for which the sender wishes it to be insured, clearly written, in words and figures, on the cover, and accompanied by such form or forms duly filled up as may be prescribed by the Director-General, from time to time, in the Indian Postal Guide. The name and address of the addressee of a foreign parcel intended for insurance shall be written in ink on the actual covering of the parcel.

59. A receipt shall be given to the person who presents a foreign parcel for insurance at the window of the post office during the hours prescribed for posting insured foreign parcels.

60. There shall be payable to the sender, or, in default or at the request of the sender, to the addressee of an insured foreign parcel, compensation not exceeding the amount for which the parcel has been insured, for the loss of the parcel or its contents or for any damage caused to it in course of transmission by post ; and the sender shall, in the case of loss, also be entitled to a refund of the postage, but in no case of the insurance fee paid :

Provided that the compensation shall in no case exceed the value of the articl lost or the amount of the damage caused :

Provided, also, that no compensation shall be payable—

(*a*) where the loss or damage has been caused by the fault or negligence of the sender, or arises from the nature of the article ;

(*b*) where the insurance has been frauduently made for a sum above the real value of the contents, or there has been any other fraud on the part of the sender or addressee ;

(*c*) where the issured article has been delivered to the addressee and he has signed and returned the receipt therefor ;

(*d*) where the sender or addressee has not given intimation of the loss or damage within twelve months from the date of posting ;

(*e*) where the loss or damage was due to improper or insecure packing ;

(*f*) where there is no visible damage to the cover or seals ; or

(*g*) In cases beyond control (*e.g.*, tempest, ship-wreck, earthquake, war, etc.).

61. Where a foreign parcel contains coin, bullion, precious stones, jewellery watches or articles of gold or silver, it shall not be accepted for transmission by post unless the sender wishes to insure it. If a foreign parcel containing any such object

of value is addressed to a country or place to which insurance is not available, the parcel shall be insured for its inland transit within the limits of British India, and in such cases the fee charged for insurance shall be calculated as follows:—

(a) *When the value is expressed in rupee currency.*

		Annas.
Where the value insured does not exceed Rs. 50	...	2
For every additional Rs. 50 or fraction thereof	...	2

(b) *When the value is expressed in sterling.*

Where the value insured does not exceed £3	...	2
For every additional £3 or fraction thereof	...	2

If an uninsured foreign parcel, declared to contain or manifestly containing any of the objects of value specified above, is received from a country with which, as notified by the Director-General in the Indian Postal Guide, insured parcels can be exchanged, the parcel shall either be intercepted and returned to the sender or forwarded to destination and delivered to the addressee subject to the payment of a fee of one rupee. The payment of this fee shall not impose any liability on Government.

Explanation.—In this rule, the expression "articles of gold or silver" includes articles made wholly or partly of gold or silver, but not electro or other plated goods, or gold or silver lace, or embroidery.

62. Where an insured foreign parcel is received in India subject to a fresh insurance fee by reason of its having been re-directed, such fee shall be recoverable on delivery as if it were postage due under the Act.

PART V.—VALUE-PAYABLE POST.

I.—Value-payable postal articles.

63. Registered and unregistered parcels, registered letters, registered book packets, newspapers prepaid at newspaper rates of postage, and fully prepaid unregistered book packets, may be transmitted by the inland post as value-payable postal articles, provided that the amount to be recovered on any such postal article shall not be less that 4 annas or more than 1,000 rupees, and shall not contain a fraction of an anna.

Postal articles as aforesaid, with the exception of unregistered parcels, may be transmitted by post to Ceylon as value-payable postal articles, provided that the amount to be recovered on any such postal article shall not exceed Rs. 150.

64. No such postal article as aforesaid shall be accepted for transmission by post as a value-payable postal article unless the sender declares that the contents have been sent in execution of a *bonâ fide* order received by him.

65. Legal documents, bonds, policies of insurance, promissory notes, railway goods and parcel receipts, bills of lading, or ordinary bills for collection may be sent as value-payable postal articles, provided that the sender declares that they are so sent in execution of a *bonâ fide* order received by him.

Explanation.—In the case of a railway receipt or bill of lading sent as a value-payable postal article, it will be sufficient for the purposes of this rule if the article to which the railway receipt or bill of lading relates, has been sent in execution of a *bonâ fide* order.

66. Every postal article intended to be transmitted by post as a value-payable postal article shall be presented at the post office with a printed form, to be prescribed by the Director-General and obtainable at the post office, in which the sender shall specify the sum to be recovered from the addressee, fill in the required entries and sign the declaration that the article is sent in execution of a *bonâ fide* order. If the article is an unregistered parcel, unregistered book packet, or newspaper prepaid at newspaper rates of postage, a

fee calculated according to the schedule below on the amount specified for recovery from the addressee shall be prepaid by the sender by affixing postage stamps of the value of the fee to the form presented with the article in the space provided for this purpose. The sender of a postal article intended to be transmitted by post as value-payable shall write his name and address clearly on the article itself.

Schedule of fees.

On any sum specified for recovery not exceeding Rs. 10	2 annas.
On any sum specified for recovery exceeding Rs. 10, but not exceeding Rs. 25 ...	4 annas.
On any sum specified for recovery exceeding Rs. 25	4 annas for each complete sum of Rs. 25, and 4 annas for the remainder, provided that, if the remainder does not exceed Rs. 10, the charge for it shall be only 2 annas.

67. When the sum specified is recovered from the addressee, the amount for payment to the sender shall be remitted to him by means of a money order. In the case of a value-payable unregistered parcel, book packet or value-payable newspaper prepaid at newspaper rates of postage, the whole amount specified for recovery shall be remitted to the sender; in the case of any other value-payable article, the amount specified for recovery, *minus* a fee calculated as in rule 66, shall be remitted. If the addressee of a value-payable article refuses or omits to take delivery of it, the article shall be returned to the sender, who will be required to pay any postage that may be due on it, and, in the case of a value-payable unregistered parcel, book packet or value-payable newspaper prepaid at newspaper rates of postage, to acknowledge receipt of the article by signing the form presented by the postman. Under no circumstances will the fee prepaid in stamps, in the case of a value-payable unregistered parcel, book packet or value-payable newspaper be refunded.

68. The Government shall not incur any liability in respect of the sum specified for recovery on a value-payable postal article unless and until that sum has been received from the addressee.

II.--Transmission by post of railway receipt-notes open as value-payable articles.

69. A railway receipt-note for goods may be transmitted by post open as a value-payable postal article :

Provided that—

(1) the goods to which the railway receipt-note relates, does not exceed Rs. 1,000 in value ; and

(2) the railway receipt-note shows on its face that the goods to which it relates have been consigned to the sender himself, is endorsed to the person to whom the goode are to be delivered, and is signed by the sender.

70. The open railway receipt-note shall be presented at the post office with the printed form prescribed by the Director-General for registered value-payable postal articles, in which the sender shall specify the sum to be recovered from the addressee, fill in the required entries and sign the declaration that the article is sent in execution of a *bonâ fide* order.

71. A fee of two annas shall be paid on each railway receipt-note presented for transmission by post open. The fee shall be paid in postage stamps, which shall be affixed by the sender to the receipt-note.

72. The post office will transmit the open railway receipt-note to the post office of destination, and will deliver it to the person to whom it has been endorsed by the sender, on his paying the amount specified for recovery, in such manner as the Director-General may from time to time appoint for the delivery of registered value-payable postal articles.

73. The amount when recovered will be remitted to the sender in accordance with the rules for the time being in force relating to registered value-payable postal articles.

74. A railway receipt-note for goods may be transmitted by post open under the foregoing rules, without compliance with the conditions laid down in the second proviso to rule 69, if—

(1) it relates to goods sent—

(*a*) between stations on such railways as are for the time being specified in this behalf by the Director-General in the Indian Postal Guide, or

(*b*) between offices on the Kalka-Simla Government Bullock Train-line, or between such offices and stations on the North-Western State Railway; and

(2) shows on its face that the goods so sent have been declared at the booking office as being sent under the value-payable system.

75. These rules apply also to receipt-notes for goods conveyed by steamer within the limits of British India.

76. Nothing in these rules shall be construed to prevent the transmission by post of receipt-notes under the rules for the time being in force relating to the value-payable post generally.

PART VI.—MONEY ORDERS.

I.—Inland money orders.

(*a*) *Ordinary inland money orders.*

77. The amount for which a single money order may be issued, shall not exceed Rs. 600, and shall not include a fraction of an anna, except in the case of money orders issued by, or in favour of, any Department of the Government, or by, or in favour of, a District, Local or Municipal Board.

78. Money orders may be issued on the following Native States, but the amount for which a single money order may be issued on these States, shall not exceed Rs. 150 :—

Chamba.	Gwalior.	Nabha.
Faridkot.	Jhind.	Patiala.

79. A commission on the issue of inland money orders shall be charged at the following rates, namely :—

On any sum not exceeding Rs. 10	2 annas.
" " " exceeding Rs. 10 but not exceeding Rs. 25	4 annas.
" " " exceeding Rs. 25	4 annas for each complete sum of Rs. 25, and 4 annas for the remainder, provided that, if the remainder does not exceed Rs. 10, the charge for it shall be only 2 annas.

80. The Director-General may, at any time, suspend the issue of money orders upon any particular post office, or group of post offices, or direct that money orders shall not be so issued except on payment of special rates of commission higher than those prescribed by rule 79.

81. The remitter of a money order shall fill in, in ink, on a money order form prescribed by the Director-General such particulars as the Director-General may require. Such particulars may be written in English or in the vernacular of the district.

82. The money order form duly filled in, together with the amount of the money order and commission, may be presented at the post office during the hours prescribed by the Director-General for money order business.

83. A receipt shall be given to the remitter for the amount paid by him on account of the money order and commission.

84. The remitter of a money order shall be entitled to obtain, free of charge, an acknowledgment of the payment of the amount of the order signed by the payee.

85. The payment of a money order shall ordinarily be made at the address of the payee on his signing the money order and acknowledgment.

86. The money order and acknowledgment shall be signed by the payee named by the remitter, or by some person authorized in writing by the payee in this behalf. The signature shall be written in ink in the space provided for the purpose.

87. If the remitter or payee of a money order is illiterate, his mark shall be obtained and shall be verified in such manner as the Director-General may direct.

88. A money order shall be re-directed to the payee on his written request free of charge.

89. The remitter of a money order which has not been paid, may require that the address of the payee shall be altered or that the name of the post office, at which the order was originally made payable, shall be changed. The required change shall be made without additional charge on the remitter's applying in writing to the post office at which the order was issued.

90. The remitter of a money order which has not been paid, may require that the amount be paid to some person other than the payee named in the order. The required change shall be made, on payment of a second commission equal to the first, on the remitter's applying in writing to the post office at which the order was issued.

91. The remitter of a money order which has not been paid, may stop payment and require that the money be re-paid to himself. This shall be done without additional charge on the remitter's applying in writing to the post office at which the money order was issued, and producing the receipt and giving full particulars of the payee's address as entered in the money order. In no case, however, shall the post office be responsible for inability or failure to stop payment of a money order in compliance with the remitter's request.

92. If the payee of a money order cannot be found, or if the payee refuses to take payment, the amount of the order shall be returned at once to the remitter free of charge. The commission shall in no case be refunded.

93. If payment of a money order to the payee cannot be effected and the amount cannot be re-paid to the remitter owing to the latter not being found, the order shall be void and its value credited to the Government. But, if the payee or remitter subsequently applies for payment, the amount of the order shall be paid to him on a fresh money order issued by the Comptroller, Post Office, provided that application is made before the expiration of one year from the date of issue of the original order.

(*b*) *Telegraphic inland money orders.*

94. The amount for which a single telegraphic money order may be issued, shall not exceed Rs. 600, and shall not include any sum less than a rupee, and, if the amount exceeds Rs. 150, the telegraphic money order shall not be for a sum which is not a multiple of Rs. 10.

95. The following fees (which include the cost of the telegram) shall be charged for the issue of telegraphic money orders :—

	Rs.	A.
On sums not exceeding Rs. 25	1	4
" " exceeding Rs. 25 but not exceeding Rs. 50	1	8
" " " " 50 " " 75	1	12
" " " " 75 " " 100	2	0
" " " " 100 " " 125	2	4
" " " " 125 " " 150	2	8
" " " " 150 " " 200	3	0
" " " " 200 " " 250	3	8
" " " " 250 " " 300	4	0
" " " " 300 " " 350	4	8
" " " " 350 " " 400	5	0
" " " " 400 " " 450	5	8
" " " " 450 " " 500	6	0
" " " " 500 " " 550	6	8
" " " " 550 " " 600	7	0

96. The Director-General may, at any time, suspend the issue of telegraphic money orders upon any post office, or group of post offices, or direct that telegraphic money orders shall not be so issued except on payment of special fees higher than those prescribed by rule 95.

97. The remitter of a telegraphic money order shall fill in, in ink, on a money order form prescribed by the Director-General, such particulars as the Director-General may require.

98. The money order form duly filled in, together with the amount of the telegraphic money order and fees, may be presented at the post office during the hours prescribed by the Director-General for telegraphic money order business.

99. A receipt shall be given to the remitter, showing the total amount paid by him, the payee's name and the hour at which the telegraphic money order was presented.

100. The remitter of a telegraphic money order shall be entitled to obtain free of charge, by post, an acknowledgment of the payment of the amount of the order signed by the payee.

101. The payment of a telegraphic money order shall ordinarily be made, as soon as practicable after receipt of the telegraphic advice by the office of payment, at the residence of the payee on his signing a receipt for the amount paid and the acknowledgment.

102. The receipt and acknowledgment shall be signed by the payee named by the remitter, or by some person authorized in writing by the payee in this behalf. The signature shall be written in ink in the space provided for the purpose.

103. If the remitter or payee of a telegraphic money order is illiterate, his mark shall be obtained and shall be verified in such manner as the Director-General may direct.

104. If the payee of a telegraphic money order has removed from the place at which the order was originally payable, and has left written instructions with the post office for the re-direction of articles to his address, the telegraphic money order shall be re-directed to him by post on receipt of the postal confirmation of the telegraphic money order, and the order shall be payable at the revised address without any extra charge.

105. The remitter of a telegraphic money order which has not been paid, may require that the address of the payee shall be altered, or that the name of the office at which the order was originally made payable, shall be changed. The required alteration shall be made in the ordinary course of post, without additional charge, on the

remitter's applying in writing to the Post Office at which the money order was issued.

106. The remitter of a telegraphic money order which has not been paid, may require that the amount be paid to some person other than the payee named in the order. The required change shall be made in the ordinary course of post, on payment of the commission chargeable on an ordinary money order for the same amount, on the remitter's applying in writing to the post office at which the order was issued, and presenting the receipt granted for the original order.

107. The remitter of a telegraphic money order which has not been paid, may stop payment and require that the money be re-paid to himself. This shall be done on the remitter's applying in writing to the post office at which the money order was issued, producing the receipt and giving full particulars of the payee's address as entered in the money order. Payment may be stopped by telegram, the remitter paying the necessary charges at the ordinary rates for it. In no case, however, shall the Post Office be responsible for inability or failure to stop payment of a money order in compliance with the remitter's request.

108. If the payee of a telegraphic money order cannot be found, or should the payee refuse to take payment, a reference will be made to the office of issue, and the telegraphic money order, if still undeliverable, will then be re-issued by telegraph, free of any further charge, for repayment to the remitter. The fees shall in no case be refunded.

109. If payment of a telegraphic money order to the payee cannot be effected and the amount cannot be repaid to the remitter owing to the latter not being found, the order shall be void and its value credited to the Government. But, if the payee or remitter subsequently applies for payment, the amount of the void order shall be paid to him on a fresh money order issued by the Comptroller, Post Office, provided that application is made before the expiration of one year from the date of issue of the original order.

II.—Foreign money orders.

(*a*) *Foreign money orders.*

110. (1) Foreign money orders shall be of two kinds, namely:—

(*a*) Money orders expressed in rupee currency ; and

(*b*) Money orders expressed in sterling.

(2) The Director-General shall, from time to time, notify in the Indian Postal Guide the countries and places with which money orders of each kind may be exchanged.

111. (1) The amount for which a single foreign rupee money order may be issued shall not exceed Rs. 150, and shall not include any fraction of an anna.

(2) The amount for which a single foreign sterling money order may be issued, shall not exceed £ 10, except in the cases specially notified by the Director-General in the Indian Postal Guide. No such money order shall include any fraction of a penny.

(3) The amount of a foreign sterling money order shall be paid to the Post Office in rupee currency at such rate of exchange as the Director-General shall, from time to time, direct.

112. (1) In the case of foreign rupee money orders the rates of commission shall be the same as those for the time being charged on inland money orders.

(2) In the case of foreign sterling money orders the rates of commission shall be the following, namely :—

	Rs. A.
On sums not exceeding £ 2	0 4
" " exceeding £ 2 and not exceeding £ 5 ...	0 8
" " " £ 5 " " £ 7 ...	0 12
" " " £ 7 " " £ 10 ...	1 0
" " " £ 10 " " £ 12 ...	1 4
" " " £ 12 " " £ 15 ...	1 8
" " " £ 15 " " £ 17 ...	1 12
" " " £ 17 " " £ 20 ...	2 0

(3) Where foreign sterling money orders have to be remitted through the agency of the British Post Office as notified by the Director-General in the Indian Postal Guide, a further reduction will be made by the British Post Office from the amount payable to the payees at the following rates, namely :—

For sums not exceeding £ 2	3*d*.
" " exceeding £ 2 but not exceeding £ 6 ...	6*d*.
" " " £ 6 " £ 10 ...	9*d*.

113. In the case of foreign sterling money orders the same remitter shall not be entitled to obtain in one day more than four money orders payable to the same payee, except under special permission conveyed to the issuing office by the Comptroller, Post Office.

114. (1) The remitter of a foreign rupee money order shall be entitled to obtain, free of charge, an acknowledgment of the payment of the amount of the order signed by the payee, except in the cases specially notified by the Director-General in the Indian Postal Guide.

(2) The remitter of a foreign sterling money order from any Post Office except that at Aden shall be entitled to obtain, free of charge, an intimation from the Indian Post Office of exchange (at Bombay or Madras, as the case may be) that the money order has been communicated to the country of payment.

115. (1) In the case of a foreign sterling money order the remitter may, by application in writing accompanied by the money order receipt, require the Indian Post Office of exchange (at Bombay, Madras or Aden, as the case may be) to request the country of payment to alter the address of the payee in the money order, or to pay the amount thereof to some person other than the payee named in the order, or to stop payment of the order. The office of exchange will communicate the result of the reference without charge to the remitter, and, if payment is stopped, the amount of the order shall be refunded to the remitter, but the commission shall not be refunded.

(2) In the case of a foreign rupee money order the remitter may require similar services in accordance with rules 89, 90 and 91, relating to inland money orders.

116. Rules 80, 81, 82, 83 and 87, relating to inland money orders, shall be equally applicable to the issue of foreign money orders.

117. Foreign sterling money orders received for payment in India shall be paid as if they were inland money orders, the amount in sterling of the original money order being converted into rupee currency by the Indian Post Office of exchange (at Bombay, Madras or Aden, as the case may be) at such rate of exchange as the Director-General may, from time to time, direct.

118. The payment of a foreign money order shall ordinarily be made at the address of the payee. It shall be made on his signing the order and acknowledgment (except when otherwise provided by the Director-General) in the case of a foreign rupee money order, and on his signing the order in the case of a foreign sterling money order.

119. Under no circumstances can a foreign money order, whether a rupee money order or sterling money order, be paid after the expiration of one year from the date of its receipt in India.

120. Rules 86, 87, 88 and 92, relating to inland money orders, shall be equally applicable to the payment of foreign money orders.

(*b*) *Indo-Ceylon telegraphic money orders.*

121. The amount for which a single Indo-Ceylon telegraphic money order may be issued in India shall not exceed Rs. 150 and shall not include any fraction of a rupee.

122. The following fees, including the cost of the telegram) shall be charged on Indo-Ceylon telegraphic money orders issued in India, namely:—

	Rs.	A.
On sums not exceeding Rs 10	1	6
" " exceeding Rs. 10 but not exceeding Rs. 25	1	8
" " " 25 " " 50	1	12
" " " 50 " " 75	2	0
" " " 75 " " 100	2	4
" " " 100 " " 125	2	8
" " " 125 " " 150	2	12

123. Rules 96, 97, 98, 99 and 103, relating to telegraphic inland money orders, shall be equally applicable to the issue of the Indo-Ceylon telegraphic money orders.

124. The payment in India of an Indo-Ceylon telegraphic money order shall ordinarily be made, as soon as practicable after the receipt of the telegraphic advice, at the address of the payee on his signing a receipt for the amount paid.

125. If the payment of an Indo-Ceylon telegraphic money order cannot be made by the post office in India to which it was addressed, the money order shall be re-issued by telegraph, free of any further charge, for repayment to the remitter.

126. Rules 102 and 103, relating to telegraphic inland money orders, shall, as far as may be, apply to the payment in India of Indo-Ceylon telegraphic money orders.

PART VII.—OFFICIAL POSTAL ARTICLES.

I.—Inland official postal articles.

127. The following shall be the rates of postage chargeable on official postal articles where the postage is prepaid :—

	Postcards.	Letters.	Book Packets.	Parcels.
	Anna.	Annas.	Annas.	Annas.
Each postcard	¼	...	...	...
Not exceeding ½ tola	...	½	½	...
Exceeding ½ tola and not exceeding 10 tolas	...	1		
Exceeding 10 tolas and not exceeding 20 tolas	...	2	1	...
Exceeding 20 tolas and not exceeding 30 tolas	...	3	1½	...
Exceeding 30 tolas and not exceeding 40 tolas	...	4	2	...
Exceeding 40 tolas	...	1 anna per tola.	½ anna per 10 tolas.	...
Exceeding 40 tolas and not exceeding 80 tolas	...	...	...	8
and every additional 40 tolas	...	...	...	4

Illustration.—A letter weighing 41 tolas shall be charged with 41 annas.

Note 1.—Articles which exceed 40 tolas shall be treated, and charged with postage, as packets or as parcels unless specially marked by the senders for transmission as letters, or prepaid at letter rates.

Note 2.—The pre-payment of postage on unregistered parcels shall be compulsory. Parcels weighing more than 440 tolas shall be registered.

Note 3.—Postal articles for transmission to Ceylon may also be prepaid at the above rates. Official parcels for transmission to Aden or Ceylon shall be registered.

128. The postage chargeable on the delivery of official postal articles, when the postage is not prepaid or is insufficiently prepaid, shall be as follows:—

On an unpaid letter or packet	The prepaid rate.
On an insufficiently paid letter or packet	The deficiency.
On an unpaid registered parcel	The prepaid rate (and registration fee).

In cases where it is not thought advisable to entrust postage stamps to a subordinate official who has to correspond with, or to send returns to, a superior, he may be allowed by his superior to post official articles (except unregistered parcels) to him without prepaying the postage, and the same course may be adopted in other cases where it is found convenient or proper to make the postage charge fall on the receiving office.

129. The following persons shall be entitled to send postal articles at the official rates of postage, subject to the conditions noted against each:—

(1) All Government officials, except those who are on leave or have retired from the service, provided that the articles posted by them are *bonâ fide* and exclusively on Her Majesty's Service.

(2) The Registrars of the Universities of Calcutta, Madras, Bombay, Allahabad and the Punjab, and of the Educational Syndicate, Burma, provided that the articles posted by them relate solely to the public business of the Universities.

(3) The Astronomer in charge of the G. V. Juggarao Observatory, Vizagapatam, provided that the articles posted by him relate solely to the business of the Observatory.

130. Correspondence sent by an officer of a local authority, or by any officer of the Government acting in a capacity connected with a local authority, such as the President or Secretary of a Local Fund Committee, shall not be deemed official correspondence within the meaning of these rules, and may not be superscribed as on Her Majesty's Service. But nothing in this rule shall be held to prevent the transmission on Her Majesty's Service of correspondence sent by an officer of the Government acting as such, although the correspondence may relate to the affairs of a local authority.

Illustration.—The Commissioner of a Division, writing in that capacity to the Secretary of a Local Fund Committee concerning its affairs, may superscribe the letter on Her Majesty's Service.

131. The postage on an official postal article can be properly prepaid only by a proper service stamp or stamps. Where, however, an ordinary postage stamp instead of a service stamp is used on an official postal article, the article shall be recognised as an official postal article by the Post Office; but the irregularity shall be brought by the officer in charge of the post office at which the article was so posted, to the notice of the officer concerned, and, if of frequent occurrence, to that of the Postmaster-General.

Note.—Service stamps, envelopes and postcards shall not be sold at post offices, but shall be obtainable by Government officials at Government Treasuries.

132. Postal articles shall be transmitted by post at the official rates of postage, provided that they are posted in accordance with the following conditions:—

(1) The weight of an official postal article, whether a letter, packet, or parcel, shall not exceed 600 tolas.

(2) The conditions as to size, shape, manner of packing, and contents prescribed for the different classes of ordinary postal articles shall be applicable to official postal articles of the same class.

(3) Official postal articles, whether the postage is prepaid or not, shall bear the superscription "On Her Majesty's Service," and this shall be supported by the signature and official designation—to be entered in the lower left-hand corner of the article—of the officer who sends the article, or of the Head Clerk or Superintendent of his office or other responsible officer to whom the duty of despatching is confided.

Explanation 1.—Service postcards bear the words "On Her Majesty's Service" printed in full round the impressed stamp. In their case, therefore, no further superscription shall be required.

Explanation 2.—Postmasters may recognise abbreviated designations, provided they are generally known; but no official can claim the recognition of an abbreviation, the rule being that the designation shall be entered in full.

Explanation 3.—Postmasters may recognise fac-simile impressions of signatures made by means of stamps, but not such impressions when lithographed or otherwise produced. Public officers who use such stamps, shall make arrangements for their proper custody and use; and where there is any reason to suspect the misuse of any such stamp or the absence of proper precautions against its misuse, postmasters may decline to recognise the stamp impression and require strict adherence to the rule. Printed names shall not be recognised in lieu of signatures except in the case of official Gazettes in open covers, posted in large numbers by the office of publication.

(4) Any irregularity or incompleteness of the address, superscription, or signature on an article, shall render it liable to be treated as an ordinary unpaid article, any service stamps which it may bear not being recognised. Service stamps affixed to an article which does not bear the prescribed superscription shall not be recognised by the Post Office in payment of postage.

(5) The delivery and re-direction of articles superscribed "On Her Majesty's Service" shall be governed by the official designation (when given) of the addressee; the delivery and re-direction of articles not so superscribed shall be governed by the name (when given) of the addressee.

133. (1) Letters, packets, and registered parcels, sent by officers of the Government in their official capacity, which relate nevertheless to the private interests and concerns of the individuals addressed, may be endorsed according to the specimen form given on the margin, under the full signature and official designation of the person by whom they are sent. Such articles, when so addressed, shall be regarded by the Post Office as private articles, but shall be charged, on delivery, with postage at the rates to which they would have been liable if postage had been prepaid by ordinary stamps, and not at double rates as in the case of ordinary articles.

> *Service Unpaid*
> To
> A. B.,
> CALCUTTA.
> C. D.,
> *Accountant-General*

Explanation.—Under the provisions of this rule may be sent replies from officers of the Government to petitions, applications for appointments, requests for transfer, enquiries about title to leave and such like communications from individuals, whether private persons or officers of the Government.

(2) Letters, packets, and registered parcels, sent by private persons to officers of the Government relating to the affairs of the Government, if superscribed "Service Unpaid," shall be charged, on delivery, with postage at the rates to which they would have been liable if the postage had been prepaid by ordinary stamps, and not at double rates as in the case of ordinary articles: Provided that any article so sent is addressed to the full official designation of the officer for whom it is intended, and that it has been endorsed under the full signature of the sender, according to the specimen form given on the margin.

> *Service Unpaid.*
> To
> THE DISTRICT SUPERINTENDENT OF POLICE,
> LUCKNOW.
> *Signature of Sender.*

Explanation.—Under the provisions of this rule may be sent reports regarding the occurrence of crime from a zemindar to a police officer, returns required to be sent from employers of labourers to the Protector, and any similar reports or returns authorized to be so sent.

134. The amount of postage marked as due on postal articles delivered under the superscriptions of "Service Unpaid" or "On Her Majesty's Service" shall be initialed by the postmaster, or other officer, authorized in this behalf by the Postmaster-General, of the office of delivery. Officers of the Government shall be bound to receive, and to pay any postage which may be due on, articles addressed to them under the superscription "On Her Majesty's Service" and bearing the signature in full of the sender.

135. (1) Postal articles posted by officers of the Government under these rules may be registered, insured, or sent value-payable, in accordance with the ordinary rules, provided that the postage, registration and insurance fees shall be paid by means of service stamps, instead of ordinary postage stamps.

(2) The sender of an official registered article may obtain an acknowledgment signed by the addressee, by paying the ordinary fee for an acknowledgment, provided that, if the article is a registered postcard, letter or packet, the fee shall be paid by means of service stamps affixed to it, and that, if the article is a registered parcel, the fee shall be paid in cash.

(3) The fee chargeable on a value-payable unregistered parcel or book-packet, as well as the fee chargeable on railway or steamer receipt-notes sent open, shall be paid in the same way as under the ordinary rules, provided that the stamps to be used for the purpose shall be service stamps.

NOTE.—Official postal articles prepaid at inland official rates, may also be sent value-payable to Ceylon under the rules applicable to private value-payable articles for Ceylon, the postage and other fees being paid in the manner prescribed in this rule.

II.—Foreign official correspondence.

136. Official correspondence transmitted by the foreign post, with the exception of correspondence exchanged with Ceylon, shall be subject to the same rates and governed by the same rules as ordinary private correspondence. If, however, service stamps are used for the prepayment of postage, they shall be supported by the superscription and signature prescribed by clause (3) of rule 132 relating to inland official postal articles.

137. The amount of postage marked as due on postal articles received by the foreign post for delivery to officers of the Government shall be initialled by the posmaster or other officer, authorized in this behalf by the Postmaster-General, of the office of delivery.

138. In the case of official letters (not newspapers or other articles) sent by British Packet to or from the public functionaries, departments, etc., in London having special accounts for foreign letter postage with the London Post Office, the prepayment of postage is not necessary if such letters are superscribed as "On Her Majesty's Service," under the full signature and official designation of the sender; but when such letters are presented for registration, the registration fee shall always be prepaid by means of service stamps affixed to the article in the ordinary way.

PART VIII.—GENERAL RULES.

I.—Manner of prepayment of postage on postal articles.

139. Where the postage on a postal article is prepaid, the prepayment shall be made by means of a proper stamp or stamps provided for the purpose by the orders of the Governor-General in Council under section 16 of the Act.

140. The postage on a postal article shall not be deemed to be prepaid by mean of a proper stamp—

(a) if the stamp is a stamp which has not been provided for use as a postage stamp under section 16 of the Act; or

(b) if the stamp has been obliterated, defaced, torn, cut, or otherwise rendered imperfect; or

(c) if the stamp has upon it any word, letter, figure, or design printed or impressed upon it, otherwise than by the authority of the Government before posting; or

(d) if the stamp has been cut or otherwise separated from the embossed envelope, or from a postcard or wrapper; or

(e) if the stamp is on an embossed envelope, and that envelope is used as a wrapper for a newspaper, or is wholly or partly cut open ; or

(f) if the stamp is on an embossed registration envelope and that envelope is used for the transmission of unregistered correspondence :

Provided that nothing in this rule shall prevent the perforation of postage stamps with initials traced in minute holes.

II.—Price of stamps.

141. Adhesive postage stamps shall be sold in each case for the denoted value of the stamp or stamps.

142. The small half-anna oblong envelopes and postcards shall be sold, in each case, for the denoted value of the stamp or stamps which they bear.

143. The envelopes and wrappers specified below shall be sold at the following prices, namely :—

		Rs.	A.	P.
Half-anna square envelopes.				
Any number less than 16	Each	0	0	8
Packets of 16	Per packet	0	10	6
One anna square envelopes.				
Any number less than 8	Each	0	1	2
Packets of 8	Per packet	0	9	3
Registration envelopes, small size.				
Any number less than 16	Each	0	2	2
Packets of 16	Per packet	2	2	6
Registration envelopes, large size.				
Any number less than 8	Each	0	2	8
Packets of 8	Per packet	1	5	3
Envelopes for international correspondence.				
Any number less than 12	Each	0	2	8
Packets of 12	Per packet	2	0	0
Half-anna wrappers.				
Any number less than 6	Each	0	0	7
Packets of 6	Per packet	0	3	6
One anna wrappers.				
Any number less than 6	Each	0	1	1
Packets of 6	Per packet	0	6	6

III.—Certificates of posting.

144. A certificate of posting may be obtained in respect of any postal article for which a receipt is not given by the Post Office subject to the following conditions, namely :—

(1) the certificate of posting written in ink shall be presented to an officer on duty at the post office along with the article to be posted during the hours fixed for the posting of such articles ;

(2) the certificate shall contain an exact copy of the address on the article to which it relates, and shall have a half-anna postage stamp affixed thereto ;

(3) the officer on duty shall compare the address of the article with the certificate, and, if it be correct, shall obliterate the postage stamp and impress the date stamp upon the certificate. The certificate shall then be returned to the person who presented it.

Subject to the conditions aforesaid any person posting at one time any number of unregistered parcels (ordinary or value-payable) not exceeding six or any number of value-payable unregistered book packets not exceeding six may obtain a certificate of posting in respect of such unregistered parcels or value-payable book packets for a fee of half an anna:

Provided that there shall be a separate certificate for each class of article headed with the words "Certificate of posting for unregistered parcels" or "Certificate of posting for value-payable unregistered book packets," as the case may be, and that the articles (not exceeding six) to which a certificate relates shall be separately presented with it.

IV.—Late letters and late letter fees.

145. Late letters shall mean letters posted after the hour fixed for the closing of a mail, which cannot be forwarded by the mail then being prepared for despatch without the payment of an additional fee.

146. The ordinary late letter fee for postal articles other than parcels to be transmitted by the Inland or Foreign post shall be half-an-anna for each postal article.

147. The late letter fee in respect of registration for articles to be transmitted by the Inland or Foreign post shall be two annas for each postal article.

148. In special cases, a higher fee than half-an-anna, but not exceeding four annas, for each postal article, may be charged on postal articles, other than parcels, posted for transmission by the Inland or Foreign post at Presidency-towns or on board steamers or in other special circumstances. The Director-General shall, from time to time, notify in the Gazette of India the amount of such fees and the circumstances in which they are chargeable.

149. Late letters shall be presented at the window of the post office within the hours prescribed for this purpose by the Postmaster-General, and the postage and late letter fee shall be fully prepaid by means of postage stamps

V.—Re-delivery to the sender of postal articles in course of transmission by post.

150. Inland letters, postcards, book and pattern packets and parcels, and foreign registered letters and parcels, which have not been despatched from India, may be recalled when in course of transmission by post without reference to the consent of the addressee, subject to the following conditions, namely :—

(1) No such postal article as aforesaid shall be re-delivered to the sender except under the orders of—

(*a*) the chief postal authority in a postal circle ;

(*b*) the Director-General ;

(*c*) the Local Government; or

(*d*) the Governor-General in Council.

(2) A fee of one rupee shall be paid in respect of each postal article for the re-delivery of which to the sender an application is made.

(3) An application for the re-delivery to the sender of a postal article may be presented in writing to any of the authorities aforesaid, either direct or through any officer in charge of a post office.

(4) An application shall be received only from the sender of the postal article or from some person authorized in this behalf by the sender in writing.

(5) Every application shall be accompanied by a statement (which may be enclosed in a sealed cover) of the reasons why re-delivery is sought. Such sealed cover shall be opened only by the authority to which the application is presented, or, where such authority is a Local Government or the Governor-General in Council, by a Secretary to the Local Government or the Government of India, as the case may be.

(6) Upon receiving such application and statement, together with the prescribed fee as aforesaid, the officer in charge of the post office shall immediately send the same to the chief postal authority in the postal circle in which he is serving.

(7) If the postal article, of which re-delivery is sought, is in his possession, the said officer shall, instead of forwarding it to the addressee, keep it in deposit, and send the application to the said authority.

(8) If the postal article is not in his possession, the said officer shall require the officer in charge of the post office of address in the case of an inland postal article, and of the office of foreign exchange in the case of a foreign registered postal article, to abstain from delivering it to the addressee or from sending it to its address, and to keep it in deposit. The requisition to such other officer may be sent by telegraph, but all expenses attending its transmission shall be borne by the applicant.

(9) When the application reaches such an authority as is named in condition (1), that authority may order the re-delivery to the sender of the postal article upon being satisfied that the applicant is the sender, and that sufficient reasons have been given for the re-delivery, otherwise the postal article shall be sent at once to its address.

(10) A letter or postcard in course of transmission by post shall not be re-delivered to any one but the sender or some person authorized in this behalf by the sender in writing.

VI.—Detention in the Post Office of book and pattern packets and parcels.

151. Book packets (other than newspapers) and pattern packets shall not be detained at the post office at which they were posted for a period exceeding one day.

152. (1) Book packets (other than newspapers) and pattern packets received from abroad shall not be detained in the post office at the port of arrival for a period exceeding one day exclusive of the day on which the mail steamer reaches such port :

Provided that nothing in this rule shall prevent any further detention at the port of arrival that may be necessary for the purpose of customs examination or enquiries.

(2) Book packets, containing printed papers obviously without value such as circulars, price lists and advertisements, when received from abroad at Bombay, shall not be detained in the Bombay post office for a period exceeding two days exclusive of the day on which the mail steamer reaches Bombay.

153. The delivery of book packets (other than newspapers) and pattern packets shall not be delayed beyond the delivery next following that by which they would ordinarily be delivered.

154. Parcels shall not be detained at the post office at which they are posted for a period exceeding one day.

155. Parcels received from abroad shall not be detained at the post office at the port of arrival for a period exceeding two days exclusive of the day on which the mail steamer reaches such port :

Provided that nothing in this rule shall prevent any further detention at the port of arrival that may be necessary for the purposes of customs examination or enquiries.

156. Subject to the limitations expressed in rules 154 and 555, parcels shall be delivered at such times and by such deliveries as the Director-General of the Post Office may direct.

VII.—Detention and disposal of undelivered postal articles.

(a) *At the post office of address.*

157. An undelivered postal article, the addressee of which cannot be found, shall ordinarily remain in the post office to which it was addressed—

(1) for a period of three weeks from the date on which it reached the post office, when that office is a head office ;

(2) for a period of ten days from the date on which it reached the post office when that office is a sub-office :

Provided that —

(*a*) an undelivered postal article, on which the words "Poste Restante," "To await arrival" or similar instructions have been written, shall remain in the post office to which it was addressed—

(i) for a period of four months from the date on which it reached the post office if the office is at a Presidency or seaport town ;

(ii) for a period of one month in all other cases ;

(*b*) an undelivered postal article shall ordinarily not remain in a post office to which it has been re-directed, after it has been ascertained that the addressee cannot be found ;

(*c*) an undelivered telegram which is in course of transmission by post, shall remain in the post office to which it was addressed, for a period of three days from the date on which it reached that office.

158. An undelivered postal article, of which the addressee has refused to take delivery, shall not be detained in the post office to which it was addressed.

(*b*) *In the office of the Postmaster-General.*

159. Packets containing printed papers, obviously without value, such as trade circulars and price lists, which cannot be disposed of under section 38 of the Act, may be disposed of forthwith by being sold as waste paper or destroyed.

160. Postcards which cannot be disposed of under section 38 of the Act, shall be detained for a period of one month, on the expiration of which they may be destroyed by being burnt.

161. Book packets, other than the packets mentioned in rule 159, newspapers and pattern packets, which cannot be disposed of under section 38 of the Act, shall be detained for a period of three months, on the expiration of which they may be disposed of by being sold or destroyed. Magazines, periodicals and newspapers may, at the option of the Postmaster-General, be used for any public purpose.

162. Subject to the provisions of section 39, proviso (*b*), of the Act, parcels which cannot be disposed of under section 38, shall be detained for a period of three months, on the expiration of which the contents, if of no saleable value, may be destroyed.

163. Letters which cannot be disposed of under section 38 of the Act, shall be detained for a period of six months, on the expiration of which they shall be destroyed by being burnt.

164. Nothing in these rules shall prevent the immediate destruction of any postal article in exercise of the powers conferred by section 23, sub-section (3), of the Act.

VIII.—Complaints against the Post Office.

165. Letters containing complaints against the Post Office may be transmitted by the inland post free of postage, provided that they are addressed to a postal official and provided that it is certified on the cover, under the full signature of the sender, that they are complaints against the Post Office.

IX.—Gratuities to be paid to masters of ships

166. With effect from the first day of April 1899 gratuities shall be payable to the masters of ships, not being mail ships, in respect of postal articles received by them for conveyance on behalf of the Post Office, at the following rates, namely :—

	Rs.	A.	P.	
Letters and postcards	1	8	0	per pound.
Packets	0	2	0	per pound.
Parcels	0	1	0	per pound or part of that weight.

NOTE.—As regards letters and postcards or packets, for a lower or higher weight than one pound the gratuity payable shall be proportionately lower or higher, as the case may be.

167. The gratuities shall be payable at the time when the mail bags are made over to the masters of the ships by which they are to be conveyed, and on the granting of a receipt for the bags in the form below.

Received from the Postmaster ______________________
the following mail bags :—

From	To	No.	REMARKS.
Total (in figures and words)			

Dated $\frac{A.M.}{P.M.}$ ______________ *18* . *Master* ______________

S. S. " ______________ "

N.B.—When one form is not sufficient for all the entries, the forms which are used must be numbered in consecutive order, and the word "Last" must be written at the top of the last form.

H. H. RISLEY,

Offg. Secy. to the Govt. of India.

FROM THE "GAZETTE OF INDIA," DATED 1ST APRIL 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Calcutta, the 27th March 1899.

No. 691.—Under the provisions of Section 9 of the Statute 24 and 25 Victoria, Cap. 67, the Governor-General in Council is pleased to direct that His Excellency's Council shall assemble at Simla in the jurisdiction of the Lieutenant-Governor of the Punjab.

SANITARY.

PLAGUE.

Simla, the 29th March 1899.

No. 1282.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Benares in the Benares Division of the North-Western Provinces and Oudh, if pilgrims or other persons from the Bombay Presidency, excluding Sind, with the exception of Karachi, the Province of Bengal, and certain portions of the Jullundur District in the Punjab are permitted to assemble at that place on the occasion of the ensuing *Barne* Fair :

In exercise of the powers conferred by Section 2, sub-section (*1*), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to the stations of Benares Cantonment, Kashi and Moghal Serai, on the Oudh and Rohilkund and East Indian Railways, shall be sold from the 2nd to the 10th April 1899 (both days inclusive) within the Bombay Presidency, excluding Sind, with the exception of Karachi, the Province of Bengal, and the Punjab at any railway station between Beas and Ludhiana, both inclusive, or other stations at which special punch-marked tickets are now being issued, to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to the *Barne* Fair at Benares.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 31st March 1899.

No. 496-*G.*—With effect from the 1st April 1899 the graded list of the Political Department will be re-organised as indicated below :—

(i) The appointment of Agent to the Governor-General of India in Khorassan and Seistan, which has hitherto been an Additional Residency of the 2nd class, will be classed as an ordinary Residency of the 2nd Class.

(ii) The number of appointments of Resident of the 2nd Class will, for the present, be fifteen ; but ultimately thirteen, when Colonel H. A. Vincent and Major H. A. Deane, C.S.I., who were appointed Additional Residents of the 2nd Class, have been absorbed into the regular establishment. Eight appointments of Resident of the 2nd Class will be localised, and the pay will be as marginally indicated. The remaining appointments, in which the pay will be Rs. 2,000 a montn, will not be localised.

	Monthly pay. Rs.
Resident in Kashmir	2,750
" at Baroda	2,500
Political Resident in the Persian Gulf	2,500
" " Turkish Arabia	2,500
Resident in Nepal	2,250
General Superintendent of Operations for the Suppression of Thagi and Dakaiti	2,250
Revenue and Judicial Commissioner in Baluchistan	2,250
Resident at Gwalior	2,250

(iii) A new grade of Political Agents on pay of Rs. 1,800 a month will be created. There will be four appointments in this grade

(iv) The existing grades of Political Agent of the 1st Class on pay of Rs. 1,500, of the 2nd Class on pay of Rs. 1,200, and of the 3rd Class on pay of Rs. 1,000 a month will be retained ; but will be re-numbered as the 2nd, 3rd and 4th Class of Political Agents, respectively. The appointments in the (new) 2nd Class will be six until Colonel Vincent and Major Deane have been absorbed into the establishment of 2nd Class Residents, and thereafter eight. In the (new) 3rd class there will be eight appointments, and in the (new) 4th Class ten The appointments of Additional Political Agent of the 1st Class will be abolished ; but the Political Agent posted to the Eastern Rajputana States will, until further orders, receive a net pay of Rs. 2,000. Officers posted to other appointments hitherto classed as additional Agencies will receive pay or salary according to their grading in the Department.

(v) The existing grades of Political Assistant of the 1st Class on Rs. 800, of the 2nd Class on Rs. 600, and of the 3rd Class on Rs. 500 a month will be maintained. The establishment will be eight Assistants of the 1st Class, nine Assistants of the 2nd Class, and twenty-four (temporarily twenty-seven) Assistants of the 3rd Class.

2. Subject to re-numbering of the grades of Political Agent and to the abolition of the appointments of Additional Political Agent of the 1st Class, all officers retain their present substantive positions, unless or until otherwise ordered.

3. The reorganization is intended to improve prospects in the Department as a whole, and to assimilate generally the salaries of Covenanted Civilians to those obtaining in the different provinces ; it is not possible, however, to ensure that the salary of each individual Covenanted Civilian in the Political Department shall be equal to the salaries of his contemporaries in his own province.

4. The standard aimed at is a Department including at least twenty Covenanted civilians, of whom twelve should be in appointments carrying substantive pay of Rs. 1,200 a month or upwards, and the remainder in less highly paid posts. The intention is that, as a matter of practice, promotion, both substantive and officiating, should, when a fair distribution of Civilian and Military members of the Department has been secured, go to Civilians in the line of a Civilian and to Military men in the line of a Military man. The Government of India, however, reserve to themselves absolute discretion as to the actual grant of promotion, whether substantive or officiating. The Government of India also reserve full discretion to fill vacancies by introducing men from any branch of the public service.

W. J. CUNINGHAM,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 31st March 1899.

APPOINTMENT.

MEDICAL DEPARTMENT.

No. 342.—The following extract, being paragraph 1 of a military letter from the Right Hon'ble the Secretary of State for India, No. 15, dated 16th February 1899, is published for general information :—

The undermentioned probationers for the Indian Medical Service, having completed a course of instruction at the Army Medical School and being reported qualified, have been appointed Lieutenants, their commissions being dated the 28th January 1899, the day on which they passed out of the Army Medical School :

* * * * * * *

Albert Elijah Walter (Punjab).

* * * * * * *

Hamilton Maxwell Cruddas (Punjab).

Alexander Mathers Fleming (Punjab).

Ellacott Leamon Ward (Punjab).

John Norman Walker (Punjab).

Vivian Heathcote Roberts (Punjab).

* * * * * * *

PROMOTIONS.

INDIAN STAFF CORPS.

No. 346.—The following promotions are made, subject to Her Majesty's approval :—

* * * * * * * *

INDIAN MEDICAL SERVICE.

BENGAL MEDICAL ESTABLISHMENT.

Majors to be Lieutenant-Colonels.

Dated 31*st March* 1899.

Francis Frederic Perry, F. R. C. S.

Stephen Little, M. D.

* * * * * * * *

BENGAL MEDICAL ESTABLISHMENT.

Captains to be Majors.

Dated 31*st March* 1899.

* * * * * * * *

William Ronaldson Clark.

George Frederick William Braide.

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INDIAN SUBORDINATE MEDICAL DEPARTMENT.

Bengal Establishment.

No. 347 —

First Class Assistant Surgeon, William Archibald Weston to be Senior Assistant Surgeon, with the honorary rank of Lieutenant, subject to Her Majesty's approval;

* * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS, RESIGNATIONS AND RETIREMENTS.

No. 367.—*1st Punjab Volunteer Rifles*—

Reginald St. George Clarke, Gentleman, to be Lieutenant, *vice* Fox, resigned.

No. 370.—*North-Western Railway Volunteer Rifles*—

Captain Edward William Thelwall resigns his commission, with effect from the 16th February 1899.

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 29th March 1899.

No. 128.—Mr. W. Slane, Examiner of Accounts, attached to the office of the Examiner, Public Works Accounts, Punjab, is appointed Examiner, Public Works and Railway Accounts, Baluchistan.

The 29th March 1899.

No. 131.—The following is published for general information :

No. 264 I, dated Simla, the 28th March 1899.

RESOLUTION—By the Government of India, Public Works Department.

Review of the Revenue Report of Irrigation Works in the Punjab for 1897-98.

READ—

Letter No. 206 A. I., dated 27th January 1899, from the Government of the Punjab, Public Works Department, forwarding the Revenue Report of Irrigation Works in the Punjab for 1897-98 and the Resolution by that Government reviewing the Report.

CAPITAL OUTLAY.

OBSERVATIONS.—Including indirect charges the capital expenditure on Productive Works amounted to Rs. 29,90,339, of which over 22½ lakhs were expended on the new Chenab Canal which is now approaching completion. On the one Protective Work in the Province the expenditure was only Rs. 25,567 as compared with over two lakhs last year. On Minor Works the Capital Outlay was Rs. 1,58,854, of which Rs. 1,16,888 was expended in nearly completing the original project of the Ghaggar Canals. The total capital expenditure on all Imperial Works was nearly 10 lakhs less than in 1896-97. The total capita outlay, direct and indirect, to the end of the year amounted to Rs. 8,93,53,348.

These figures do not include the capital outlay incurred on Contribution Works which amounted to Rs. 1,61,198 in 1897-98, of which Rs. 1,56,912 was on account of the share of the outlay on the Ghaggar Canals chargeable to the Bikanir State. The total capital invested by Native States in the canals amounted to Rs. 1,52,26,356 at the end of the year.

MILEAGE OF CHANNELS.

2. The total length of completed main and branch canals is now 4,518 miles, of which 309 miles are in Native States. The additions made during the year, amounting to 107 miles, consist of a new branch of the Chenab Canal and the new Ghaggar Canals.

The aggregate length of completed distributaries was increased by 384 miles during the year, the total length now amounting to 10,554 miles. The length of drainage channels amounts to 786 miles, the additions made during the year aggregating 17 miles.

AREA IRRIGATED.

3. The total area irrigated from all canals was 5,214,258 acres, exceeding the striking record of 1896-97 by 590,022 acres.

The following statement compares the average and maximum areas under irrigation in successive five year periods since 1867-68 :—

Five years ending.	Average area irrigated annually.	Maximum area irrigated annually.	Quinquennial increase	
			In average annual area.	In maximum annual area.
	Acres.	Acres.	Acres.	Acres.
1867-68	(a) 873,279	1,006,453	...	...
1872-73	1,183,872	1,251,664	310,593	245,211
1877-78	1,136,951	1,318,026	—46,921	66,362
1882-83	1,484,502	1,683,272	347,551	365,246
1887-88	1,881,369	2,341,103	396,867	657,831
1892-93	2,948,629	3,193,546	1,067,260	852,443
1897-98	3,878,823	5,214,258	930,194	2,020,712

(a) This average is for the four years ending 1867-68, the total for 1863-64 not having been recorded.

The irrigating capacity of the canals has thus during the last five years been increased by over 2,000,000 acres, or by 66 per cent. The increase is slightly less marked when average areas actually irrigated during five year periods are considered, as owing to general rainfall the areas irrigated in the years 1893-94 and 1894-95 were abnormally low.

4. The Major Works irrigated 4,055,898 acres, the principal contributors being the Sirhind Canal with a total of 1,206, 248, rather less than its area of last year ; the Bari Doab with 849,074 acres, exceeding its last year's record by 117,132 acres ; the Chenab with a total of 810,000, showing an increase over last year's figures of 289,721 acres ; and the Western Jumna with 706,307 acres. The Swat River Canal again did excellently, exceeding its area of last year by 15,470 acres.

The Minor Works irrigated 1,134,255 acres, an area larger than that irrigated in 1896-97 by 100,177 acres, the two largest contributors being the Lower Sutlej and Chenab and the Muzaffargarh Canals. The Ghaggar Canals commenced irrigating for the first time and supplied water to 19,436 acres. The conditions of the year are reported to have been favourable to the Inundation canals, and this accounts for the large area irrigated by them.

The table in paragraph 9 of the Local Government's Resolution shows that while there was an increase in the area of each of the six principal crops irrigated, it was most marked in the case of rice, maize and wheat, the area of the last named crop amounting to the large total of 1,723,140 acres, or almost exactly one-third of the total area irrigated.

5. The estimated value of the crops irrigated is just under 15 crores of rupees, the value per acre being nearly Rs. 27. The average rate levied for the use of the water, including owner's rate and indirect revenue, was Rs. 3, or one-ninth of the value of the crop. The lower estimated value of the crops, compared with the figures of 1896-97, is due to the fall in prices from those which prevailed during the famine.

The areas given above include the irrigation in Native States, the area of which was 345,431 acres in 1897-98 as compared with 394,291 acres in the previous year.

WORKING EXPENSES.

6. The statement in paragraph 6 of the Local Government's Resolution, which gives the working expenses for the last five years, shows that though for Major Works (Imperial) the working expenses have steadily increased from Rs. 24,45,060 in 1893-94 to Rs. 31,86,227 in 1897-98, the rate per acre has as steadily declined in the same period from Rs. 1·39 per acre to Rs. 0·87 per acre, while the percentage on gross revenue, which was Rs. 45·69 in 1893-94, was only Rs. 26 14 in 1897-98. These results are very satisfactory. The increase in the maintenance charges of the Minor Works is said to be due chiefly to the inclusion of the Ghaggar Canals for the first time and to heavy but necessary expenditure on the Muzaffargarh Canals. The rate per acre irrigated was Re. 1 and the percentage on gross revenue Rs. 62·42.

FINANCIAL RESULTS.

7. The financial results of the Punjab Canals in operation during the year may be summarised as follows :—

	Capital outlay to end of year.	Net Revenue.	Return on Capital outlay.
	Rs.	Rs.	Per cent.
IMPERIAL WORKS—			
Major Works	8,70,19,865	90,02,192	10·35
Minor Works	21,29,213	5,12,438	24·07
WORKS IN NATIVE STATES—			
Contribution Works	1,52,26,356	10,33,492	6·78

The gross revenue yielded by the Major Works amounted to the large sum of Rs. 1,21,88,419, exceeding by Rs. 12,43,971 the gross receipts collected in the previous year, which were more than 38 lakhs in excess of any previous record.

The net revenue was over 90 lakhs as compared with 78½ lakhs last year, which was nearly double the net revenue of 1895-96.

8. In the Review on the Revenue Report of 1896-97 the Government of India dwelt on the extremely satisfactory returns of that year. But they have been again surpassed by the returns of 1897-98, the Major Works having paid a return of 10 35 per cent. as compared with 9·34 per cent. in the previous year, and the Minor Works a return of 24·07 per cent. as compared with 14·57 per cent.

The Swat River Canal, the only Protective work in the Province, paid a return of 7·38 per cent. on Capital outlay with a net revenue of Rs. 1,53,732.

The Productive works collectively paid 10½ per cent. on their capital with a net revenue of 87 lakhs of rupees. The largest contributors to this unprecedented success were the Sirhind, which with a net revenue of Rs. 26,15,798 paid a dividend of 10·83 per cent.; the Bari Doab, which paid a return of 13·66 per cent. with a net revenue of nearly 24¾ lakhs; the Western Jumna with a net revenue of 16¾ lakhs equivalent to 10·34 per cent. on its capital; and the Chenab, which yielded a net revenue of Rs. 16,65,628, or 7·34 per cent. on its Capital outlay.

9. The returns on the Native States Branches of the Sirhind Canal exceeded 4 per cent. on the Capital outlay for the first time in 1896-97. It is satisfactory to note a further improvement in the financial results attained on these branches during the year under review, the returns for the last four years being as below :—

State.	1894 95.	1895-96.	1896-97.	1897-98.
	Per cent.	Per cent.	Per cent.	Per cent.
Patiala	1·38	1·56	6·05	6 52
Nabha	0·10	0 68	4·66	5·34
Jind	1·26	0 09	4·92	5·75

The Patiala share in these branches is nearly five-sixths, the other two States holding each about one-twelfth.

The high returns of 1897-98 were realized in spite of a charge of Rs. 84,316 for seigniorage which was recovered from these States for the first time during the year, under the terms of the Canal Agreement.

The Patiála section of the Sirsa Branch, Western Jumna Canal, yielded a return of 13.72 per cent. as compared with 15·91 per cent. in the previous year.

10. The interest charges on the borrowed capital out of which the Productive Works have been constructed amounted to Rs. 31,37,215 for the year under review, and the net revenue being Rs. 87,07,276, these works have contributed the substantial sum of Rs. 55,70,061 to the general revenues of the country. The accumulated surplus revenue at the close of the year amounted to no less than 373 lakhs of rupees

GENERAL REMARKS.

11. The Government of India in reviewing the Revenue Report for 1896-97 referred to the extraordinarily rapid development of irrigation on the unfinished Chenab Canal, which was first opened as a perennial canal in 1892-93 when 157,197 acres were irrigated from the new channels. During the last five years the area under command has been extended by the construction of new branches and distributaries, and land has been brought under irrigation as soon as water could be conveyed to it The following figures shew the rate of development, which is more marked than ever during the year under review :—

Year.	Capital outlay to end of year.	Area irrigated during the year.	Net Revenue during the year.	Return on Capital outlay.
	Rs.	Acres.	Rs.	Per cent.
1892-93	1,08,18,500	157,197	*—61,272*	*—0 57*
1893 94	1,31,70,513	270,405	53,283	0·40
1894-95	1,49,25,489	269,357	1,42,676	0·96
1895-96	1,76,21,724	369,935	7,74,486	4·40
1896 97	2,04,31,137	520,279	13,79,442	6·75
1897-98	2,26,93,743	810,000	16,65,628	7·34

The accumulated interest charges exceeded the total net revenue at the end of 1897-98 by Rs. 7,47,556 only, and this small balance will undoubtedly be cleared during 1898-99 or before the construction estimate is closed.

12. This rapid development of irrigation has occurred in a tract the greater part of which was absolutely unpopulated in 1892. It is unnecessary to consider in this review the highly successful operations by which colonies of settlers have been established in these crown wastes *pari passu* with the construction of the Canal, but the growth of irrigation would have been remarkable even if it had occurred in a thickly populated district. It is mainly attributable to the fact that the alignment and construction of the entire system of water courses within each village has been undertaken by the Canal Officers, the cost of construction being ultimately recovered from the occupiers. The water-courses are laid out with great care so as to gain the most effective command, and water is thus brought into every man's field as soon as it is available. This system had previously been adopted, though on a smaller scale and with less thoroughness, on the Sidhnai and Lower Sohag Canals, and also on the Sirsa Branch of the Western Jumna Canal. It has been justified in every case by the rapid development of irrigation on each distributary system as completed, apart from the greater enconomy of water that may be due to a properly aligned system, of water-courses. It has sometimes been objected to large irrigation works that many years must elapse after completion before they can become directly remunerative, but the results attained on all the more recently constructed works in the Punjab indicate, as observed in the Resolution by the Local Government, that the very heavy arrears of interest charges, which in the past used to accumulate before the canals began to pay, are no longer a necessity.

13. The great increase in the area irrigated by Major Works during the last two years is not, however, entirely due to the new irrigation on the Chenab Canal and on the Sirsa Branch of the Western Jumna Canal. The construction estimates for the remaining Major Works were formally closed between 1890 and 1893, but considerable additional capital expenditure has been since incurred on all of them under the rules for open capital accounts. This expenditure has been mainly incurred in extending and improving the distributary system, in increasing the capacity of the main canals and branches, so as to enable them to carry greater supplies during the monsoon, and generally in improving the control and distribution of the supply, and securing a great economy of water. The following table indicates the amount of this expenditure and the results that may be fairly attributed to it:

Canal.	Date of closing construction estimate.	Maximum area irrigated in a year up to end of second year after closing construction estimate.	Maximum area irrigated in 1896-97 or 1897-98.	Capital outlay incurred after closing of construction estimate.
		Acres.	Acres.	Rs.
Swat River	31st March 1893 ...	110,819	138,557	3,84,616
Western Jumna, excluding Sirsa Branch.	31st March 1890 ...	507,974	564,552	21,77,224
Bári Doab	31st March 1890 ...	592,785	849,074	16,82,426
Sirhind-Imperial	31st March 1891 ...	685,610	943,789	8,72,544
Do. Contributions ...		224,446	394,291	1,41,304
Lower Sohag and Para ...	31st March 1891 ...	70,129	102,014	24,693
Sidhnai	31st March 1892 ...	151,427	185,709	1,99,862
GRAND TOTAL ...		2,343,190	3,177,986	54,82,669

All these canals had been virtually completed many years before the construction estimates were formally closed. The areas entered in the third column are the maxima recorded to the end of the second year after closing the construction estimate, as it may be assumed that any increase of area directly due to expenditure against the open capital account would not appear until after this year.

The area of 507,974 acres on the old Western Jumna Canal was recorded in the great famine year 1877-78, but except in years of excessive drought the area on this canal seldom exceeded 400,000 acres before the construction estimate was closed. The area irrigated by the old canal in 1897-98 amounted to 564,552 acres, but in addition to this 199,744 acres were irrigated from the Sirsa Branch, making the total area 764,296 acres. This great increase in area is due to the combined effect of the capital outlay incurred on the Sirsa Branch to end of 1897-98 (Rs. 41,68,560) and of the Rs. 21,77,224 expended on the open capital account of the old canal.

The figures for the other canals require no explanation. The increase in area may be regarded in every case as mainly attributable to the increased capital expenditure, and is specially remarkable in the case of the Bari Doab Canal.

The total expenditure against the open capital account of these completed canals has thus amounted to the large sum of Rs. 54,82,669, but this has been accompanied by an increase in the irrigating capacity of the canals of over 800,000 acres. There is therefore every reason to suppose that this liberal expenditure has been highly remunerative.

14. Great as has been the development of irrigation on these older canals during recent years it is doubtful whether it has yet reached its maximum, and whether further improvement may not be expected in the irrigating duty which will result in a further extension of the area irrigated. The question of this duty is, as remarked in the Local Government's Resolution, intimately connected with that of the correct measurement and record of canal and distributary discharges, and the Government of India note with much

satisfaction the steps which have been taken by the Chief Engineer, as explained in paragraph 259 of his report, to train the native revenue establishment in the systematic measurement of the supplies for the distribution of which they are responsible, and in the habit of comparing these for different periods with the areas to which the water is applied. The more effectively the subordinate agency are trained in these duties the more reliable will be the records of duty attained, and the easier will be the detection of all preventible loss or waste of water. The figures in the statement in paragraph 10 of the Local Government's Resolution indicate that the efforts already made in this direction have been attended with success, the duties obtained during the year under review on every canal system having been higher than the averages of the previous five years, the improvement being most marked to the Swat, Sirhind and Bari Doab Canals.

15. The results recorded in the Punjab Revenue Report for 1897-98 are unparalleled in the history of irrigation in that Province, and the Government of India desire to express their gratification at the success which has been attained on nearly every canal, and to cordially acknowledge the efficiency of the canal administration and the excellent services rendered by the staff of Irrigation Engineers, to whose exertions and skill these results are largely attributable.

The report was received by the Government of India on the 27th January 1899. It has as usual been admirably compiled and is full of interest from beginning to end.

ORDER.—Ordered that copies of this Review and of the Report and the Resolution by the Punjab Government be forwarded to the Revenue and Agricultural Department for information.

Ordered, also, that copies of the Review be forwarded to the Government of the Punjab for information and guidance and that copies of the Review and of the Report and Resolution by the Punjab Government be forwarded to the Local Governments and Administrations in the Public Works Department, noted on the margin, for information.

The Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh and Burma.
The Chief Commissioners of the Central Provinces and Coorg.
The Residents at Hyderabad and Mysore.
The Agents to the Governor-General in Central India, Rajputana and Baluchistan.

Ordered, further, that the Review be published in the *Gazette of India*, and that copies of the Review and of the Report and Resolution by the Punjab Government be forwarded to Her Majesty's Secretary of State for India.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 13, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 8TH, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Simla, the 7th April 1899.

No. 562.—Major C. P. Lukis, M. B., F. R. C. S., I. M. S. (Bengal), is appointed to be Joint Medical Officer of Simla, with effect from the date on which he assumes charge of his duties.

No. 563.—The services of Lieutenant-Colonel J. Anderson, M. B., I. M. S. (Bengal), Civil Surgeon, Simla, are replaced at the disposal of the Government of the North-Western Provinces and Oudh, with effect from the date on which he is relieved of his duties.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

ACCOUNTS AND FINANCE.

RATES OF EXCHANGE.

Simla, the 7th April 1899.

No. 1487-*A*.—It is hereby notified that the rate of exchange for the adjustment of financial transactions between the British and Indian Governments for the year 1899-1900 has been fixed by the Secretary of State, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, at 1*s*. 4*d*. the rupee.

H. H. RISLEY,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 4th April 1899.

No. 137.—With reference to Public Works Department Notification No. 107, dated the 15th March 1899, Mr. F. C. Murray, Executive Engineer, 1st Grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the afternoon of 11th March 1899, during the absence on deputation of Brevet-Colonel J. W. Thurburn, R. E., or until further orders.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 20, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED 15TH APRIL 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 12th April, 1899.

No. 262.—The services of Mr. W. M. Hailey, of the Indian Civil Service, are placed temporarily at the disposal of the Department of Revenue and Agriculture.

SANITARY.

PLAGUE.

The 12th April, 1899.

No. 1406.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Ajodhia in the Fyzabad District of Oudh, if pilgrims or other persons from the Bombay Presidency, excluding Sind with the exception of Karachi, the Province of Bengal, certain portions of the Jullundur District in the Punjab, and the Nagpur Division of the Central Provinces are permitted to assemble at that place on the occasion of the ensuing Ramnaumi fair :

In exercise of the powers conferred by section 2, sub-section (*1*), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to the stations of Lakarmandi Ghât on the Bengal and North-Western Railway and Ajodhia and Fyzabad on the Oudh and Rohilkhand Railway shall be sold from the 15th to the 20th April 1899 (both days inclusive) within the Bombay Presidency, excluding Sind with the exception of Karachi, the Province of Bengal, the Punjab at any railway station between Beas and Ludhiana (both inclusive) or other stations at which special punch-marked tickets are now being issued, and the Nagpur Division of the Central Provinces to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to the Ramnaumi fair.

The 14th April, 1899.

No. 1423.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Chitrakot in the Central India Agency, if pilgrims or other persons from the Bombay Presidency, excluding Sind with the exception of Karachi, the Province of Bengal, certain portions of the Jullundur District in the Punjab, and the Nagpur Division of the Central Provinces, are permitted to assemble at that place on the occasion of the fair which will be held there on the 29th April 1899 :

In exercise of the powers conferred by section 2, sub-section (*1*), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to any station between Naini and Katni (both inclusive) on the East Indian Railway and Manikpur and Jhansi (both inclusive) on the Indian Midland Railway shall be sold from the 15th to the 30th April 1899 (both days inclusive) within the Bombay Presidency, excluding Sind with the exception of Karachi, the Province of Bengal, the Punjab at any railway station between Beas and Ludhiana (both inclusive), or other stations at which special punch-marked tickets are now being issued, and the Nagpur Division of the Central Provinces to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to the fair at Chitrakot.

No. 1432.—It is notified for general information that the Government of India have received intimation that pilgrims returning to India from the Hedjaz will not in future be permitted by the Government of His Highness the Sultan of Muskat to break their journey, or to land, at Muskat.

JUDICIAL.

The 12th April, 1899.

No. 562.—In exercise of the power conferred by section 24, sub-section (*1*), of the Indian Petroleum Act, 1899 (VIII of 1899), the Governor-General in Council is pleased to direct, in supersession of the Notification of the Government of India in the Home Department, No. 187, dated the 1st February 1887, that drafts of rules which it may be proposed to make under the said Act shall be published—

(*a*) when the authority making the rules is a Local Government, in three consecutive issues of the local official Gazette in English and in such other language or languages as the Local Government may direct; and,

(*b*) when the authority making the rules is the Governor-General in Council, in three consecutive issues of the *Gazette of India* in English, and in three consecutive issues of the local official Gazette (if any) of every Local Government in British India in English and in such other language or languages as the Local Government may direct.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

GENERAL.

Simla, the 13th April, 1899.

No. 1137—42-12.—Mr. W. M. Hailey, of the Indian Civil Service, whose services have been placed at the disposal of the Department of Revenue and Agriculture by Notification No. 262, dated 12th April 1899, in the Home Department, is appointed to officiate as Under-Secretary to the Government of India in the Department of Revenue and Agriculture, with effect from the 27th March 1899, during the absence on privilege leave of Mr. E. Maconochie.

T. W. HOLDERNESS,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

No. 1524-*Gl.*

Simla, the 10th April, 1899.

RESOLUTION—By the Government of India, Finance and Commerce Department.

READ again—

Resolution by the Government of India in the Finance and Commerce Department, No. 6023, dated the 31st December 1890.

Read—

Resolution by the Government of India in the Finance and Commerce Department, No. 2157, dated the 20th May 1891.

Despatch to the Secretary of State for India, No. 324 (Financial), dated the 4th November 1896.

Despatch from the Secretary of State for India, No. 104 (Financial), dated the 17th June 1897.

RESOLUTION.—In partial supersession of the orders contained in the Resolution of 20th May 1891 read above, the Government of India have, with the sanction of the

Secretary of State, decided that of the vacancies in the Enrolled List of the Account Department, which under the terms of the above Resolution are filled otherwise than by the appointment of members of the Indian Civil Service or of Chief Superintendents and others already in the service of the Government, two-thirds will be filled by the Secretary of State in London and one-third by competitive examination of nominated candidates in India. The recruitment in India will be restricted to Natives of India within the meaning of the Statute 33 Vict., Chapter 3, Section 6. The definition in the Statute is:

"The words 'Native of India' shall include any person born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purposes only."

2. The following revised rules are now prescribed for the recruitment of candidates in India:

I.—A register of candidates will be kept from which not less than three candidates for each vacancy will be nominated from time to time as vacancies are expected. Only candidates so nominated will be entitled to compete.

II.—Applications by persons desirous of having their names entered in the above register should be made by them in their own hand-writing to the Secretary to the Government of India in the Finance and Commerce Department, and should be accompanied by proof that the applicant is a Native of India within the meaning of the Statute above quoted, by certificates of character and of educational qualifications, by a statement of age, and by information regarding any services that may have been rendered to the State by his parents and family.

NOTE.—Copies of all certificates should be sent for record, along with the originals which will be returned.

The names of persons not possessed of high educational qualifications will not be registered. Clear and distinct hand-writing and a business familiarity with the English language are in any case indispensable.

III.—The Government of India reserve an absolute discretion not only in regard to the selection of persons to be entered on the register of candidates, but also as to the nomination of candidates to compete at the examination. It must be clearly understood that registration of a candidate's name does not in any way imply that he will be nominated for admission to examination.

The name of a registered candidate will be struck off the register when he has reached the age of 25, or has failed in two examinations.

A candidate nominated for admission to one examination will not be admitted to a later examination unless again nominated.

IV.—The age of a candidate, when examined, must not exceed twenty-five years. A nominated candidate before appearing at the examination must produce a certificate in the annexed form by a Commissioned Medical Officer or by a Medical Officer in charge of a Civil Station.

Certificate.

I do hereby certify that I have examined *A.B.*, a candidate for employment in the Financial Department of the Government of India, and that I cannot discover that he has any disease, constitutional affection, or bodily infirmity unfitting him, or likely to unfit him, for the public service in any part of India.

He must also before appearing produce a certificate of age from the Officer in charge of the District in which his family reside, or, if they reside in a Presidency Town or a Native State, from the Presidency Magistrate or Political Agent respectively. To obtain this certificate the date and place of the candidate's birth must be proved before the District Officer, Presidency Magistrate or Political Agent, as the case may be, by documentary evidence, supplemented, where this is not conclusive proof, by statements of relatives and others on oath or solemn affirmation.

V.—The nominated candidates will be examined in the subjects described in the Schedule attached to this Resolution. No candidate will be admitted to the Department who fails to show a competent knowledge of the compulsory subjects, and the Government reserves the right of declining to make any appointment when no candidate reaches a high standard of proficiency.

VI.—The examination will be mainly by written questions and answers. There will be a *vivâ voce* test in the last two groups of the compulsory subjects mentioned in the schedule attached to this Resolution. The questions will be prepared, and the examination conducted, in such manner as the Governor General in Council from time to time directs.

VII.—The examination will be held at such place as the Governor General in Council from time to time directs.

ORDER.—Ordered, that this Resolution be communicated to the Departments of the Government of India, to the several Local Governments and Administrations, with the request that it may be communicated to all heads of colleges and schools in their respective Provinces, to the Comptroller and Auditor General, and to all Accountants General and Comptrollers, for information.

Ordered also, that this Resolution be published in the *Gazette of India.*

By order, etc.,

H. H. RISLEY,

Offg. Secretary to the Government of India.

SCHEDULE.

SUBJECTS FOR EXAMINATION.

Compulsory Subjects.

	Marks.
Writing and Composition. Impromptu Essay upon some given subject	300
Political Economy and Logic	300
English History and Literature and Indian History... ...	200

In the last two subjects the standard required will be that of the B. A. Honour Course of the Calcutta University.

Optional Subjects.

Mathematics ... { *Group A.*—Pure Mathematics as principal subject with Mixed Mathematics as subsidiary subject.
Group B.—Mixed Mathematics as principal subject with Pure Mathematics as subsidiary subject. }

Physical Science... { *Group C.*—Chemistry.
Group D.—Heat, Electricity, and Magnetism as principal subjects with Light and Sound as subsidiary subjects.
Group E.—Light and Sound as principal subjects with Heat, Electricity, and Magnetism as subsidiary subjects. }

Each group will carry 500 marks.

In each group the standard required will be that of the M. A. Course of the Calcutta University, as defined in the Calendar for the year in which the examination is to be held.

There will be a practical examination in each of the groups C, D and E.

No candidate will be allowed to take up more than one group.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 27, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED 22ND APRIL 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Simla, the 18th April, 1899.

No. 646.—Captain J. C. Lamont, M.B., I.M.S. (Bengal), Professor of Anatomy, Lahore Medical College, is granted furlough out of India for eight months under Article 340 (*b*) of the Civil Service Regulations.

No. 647.—Captain H. G. Melville, M.B., C.M., I.M.S. (Bengal), is appointed to officiate as Professor of Anatomy, Lahore Medical College, during the absence on furlough of Captain J. C. Lamont, M.B., I.M.S. (Bengal), or until further orders.

The 21st April, 1899.

No. 672.—The services of Lieutenant-Colonel A. Deane, M.D., I.M.S. (Bengal), are replaced at the disposal of the Foreign Department.

JUDICIAL.

The 21st April 1899.

No. 609.—The services of the undermentioned officers are placed at the disposal of the Government of the Punjab for employment as Officiating Cantonment Magistrates :—

Captain M. Stevens, 13th Bengal Infantry.
Captain N. T. Parker, 6th Bengal Infantry.
Lieutenant F. S. Walker, 22nd Bombay Infantry.

A. H. L. FRASER,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 21st April, 1899.

No. 1019-*I.-A*.—Lála Banársi Dás, an Extra Assistant Commissioner of the 7th Grade in the Punjab, is appointed temporarily to be an Extra Assistant Commissioner in Merwára with effect from the date of assuming charge.

H. S. BARNES,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 21st April, 1899.

CANTONMENTS.

TAXATION.

No. 423.—In exercise of the power conferred by Section 20, sub-section (1), of the Cantonments Act, 1889 (XIII of 1889), the Governor-General in Council is pleased to direct that the tax on buildings imposed in the Murree Cantonment, by the notification of the Punjab Government, No. 1899, dated the 10th October 1896, shall not be levied in respect of the building used as a "Soldiers' Home" at Upper Topa in that cantonment.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 431.—*1st Punjab Volunteer Rifles*—

William Mitchell, Gentleman, to be Second-Lieutenant, on augmentation.

Lieutenant George Meredyth Young resigns his commission.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 17th April 1899.

No. 165.—Mr. J. I. R. Dempster, Superintending Engineer, 2nd Class, sub. *pro tem*, Punjab, is permitted to retire from the service, with effect from the afternoon of the 6th April 1899, under Article 712 (*c*), Civil Service Regulations.

No. 166.—Mr. W. P. Brodie, Executive Engineer, 1st Grade, Punjab, is appointed to officiate as a Superintending Engineer, with *temporary rank* in the 3rd Class, with effect from the afternoon of the 6th April 1899, *vice* Mr. J. I. R. Dempster, retired.

T. HIGHAM,

Joint Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED APRIL 22nd, 1899.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

USE OF CHURCHES CONSECRATED FOR THE SERVICES OF THE CHURCH OF ENGLAND FOR THE SERVICES OF PRESBYTERIANS AND WESLEYANS.

NOS. 146—161.

Extract from the Proceedings of the Government of India in the Home Department (Ecclesiastical),—under date Simla, the 20th April, 1899.

Read—

The Resolution of the Government of India in the Home Department, Nos. 271—86, dated the 17th June 1898, regarding the use by other denominations of churches consecrated for the services of the Church of England.

RESOLUTION.

THE Governor-General in Council is pleased to prescribe the following rules to regulate the use of churches consecrated for the service of the Church of England for the services of other denominations in supersession of the rules contained in the Resolution of the Government of India read in the preamble:

(1) A Church povided by Government and consecrated for the services of the Church of England may be used for the services of Presbyterians and Wesleyans.

(2) The use of the Church shall be permissible both to Scotch Chaplains on the regular establishment and to Presbyterian and Wesleyan Ministers officiating with troops.

(3) It shall be necessary to obtain the consent of the Bishop of the Diocese in each case.

(4) The Bishop, or the Church of England Chaplain, or Clergyman of the Church of England performing the duties of Chaplain, shall, under the Bishop's instructions, fix the hours at which the Church shall be made available to the Presbyterian, or Wesleyan congregations.

(5) The care of the Church and Church furniture and the expenditure and control of the Church establishment shall remain exclusively in the hands of the Chaplain or Clergyman of the Church of England performing the duties of Chaplain.

(6) The Bishop of the Diocese may withdraw his assent to use the Church for the worship of any congregation other than that of the Church of England whenever he shall think fit.

(7) If in any case dissatisfaction is felt with any order passed under these rules either as to the use of a Church by a congregation not belonging to the Church of England or as to the hour at which it is made available for the use of such congregation, the Senior Chaplain of the Church of Scotland or the General Superintendent of the Wesleyan Church, as the case may be, may bring the matter before the Lieutenant-General of the Command, through the General Officer Commanding the District; and the Lieutenant--General shall then, if he considers this necessary, communicate with the Bishop in order, if possible, to arrange the matter with him. Should the Senior Chaplain of the Church of Scotland or the General Superintendent of the Wesleyan Church, as the case may be, be dissatisfied with the arrangement made between the Lieutenant-General of the Command and the Bishop, he shall be at liberty to ask the Lieutenant-General that the matter may be referred for final decision to the Metropolitan.

ORDER.—Ordered, that this Resolution be communicated to Local Governments and Administrations, the Most Reverend the Metropolitan, the Senior Chaplain of the Church of Scotland, Calcutta, the General Superintendent of the Wesleyan Church and the Foreign and Military Departments.

Ordered, also, that it be published in the *Gazette of India.*

[True Extract.]

A. H. L. FRASER,

Offg. Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 17th April, 1899.

No. 16.—The services of Second Grade Civil Assistant Surgeon Ghulâm Muhammad of the Punjab Provincial Establishment, are placed at the disposal of the Government of India in the Foreign Department, for employment in the Persian Gulf.

R. HARVEY, *M. D., Surgn.-Genl.,*

Director-General, Indian Medical Service.

Government Gazette

PUNJA AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 4, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 29TH, 1899.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 29th April 1899.

No. 488 *M.*—Notice is hereby given that HIS EXCELLENCY THE VICEROY AND GOVERNOR-GENERAL will hold a Levée at Viceregal Lodge, Simla, at 9-45 P. M. on Wednesday, the 24th May 1899.

All Civil and Military Officers and the Native Officers of the Infantry Escort are invited to attend.

The following regulations are to be observed at His Excelleney's Levée :

I.—Gentlemen who propose to attend His Excellency's Levée are requested to bring with them two large cards with their names *clearly written* thereon—one to be left with the Aide-de-Camp in waiting in the Corridor, and the other to be delivered to the Military Secretary, who will announce the name to His Excellency.

II.—Gentlemen who have not already been presented at the Court of St. James or at the Viceregal Court should send in their names and addresses through the Gentlemen who propose to present them to the Military Secretary's Office not later than Monday, the 15th May 1899, in order that the names may be submitted to His Excellency, when, if they are approved, Presentation cards will be forwarded.

III.—Gentlemen presenting others must themselves attend the Levée.

IV.—Gentlemen wearning Uniform will appear in Levée Dress. Gentlemen not entitled to wear Uniform will appear in Evening Dress.

By Command,

ARTHUR SANDBACH, *Lieut.-Col.,*

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Simla, the 28th April 1899.

No. 821.—In accordance with the provisions of section 18, sub-section (1), of the Indian Explosives Act, 1884 (IV of 1884), and with the directions contained in the Notification of the Government of India in the Home Department, No. 1964, dated the 2nd September 1887, the Governor-General in Council is pleased to publish, for the information of persons likely to be affected thereby, the following draft of certain rules which it is proposed to substitute for Rules 10 and 11 of the rules to regulate the transport and importation of explosives published with the Notification of the Government of India in the Home Department, No. 1393, dated the 8th July 1897.

The draft will be taken into consideration on or after the 1st July, 1899.

Draft Rules.

10. An explosive shall not be imported by sea except at one of the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Karachi, Aden *and (in the case of crackers only) Negapatam.* But a license to import an explosive by sea from Rangoon into the Port of Akyab, Moulmein, Sandoways, Kyouk-Phyoo, Tavoy or Mergui, as the case may be, may be granted by the Magistrate of the district in which such port is situated. The fee payable in respect of each such license shall be one rupee, and the license shall be in Form A in the schedule hereto annexed.

11. If the explosive is gunpowder or an explosive of the 1st division of the 6th (ammunition) class or an explosive of the 7th (fire-work) class, the license to import the same may be granted, at the Port of Calcutta, Madras or Bombay, by the Commissioner of Police, and at the Port of Rangoon, Calicut, Karachi, Aden *or Negapatam,* by the District Magistrate.

No. 836.—The Birthday of Her Majesty the Queen, Empress of India, will be celebrated in India on Wednesday, the 24th May 1899.

SANITARY.

PLAGUE.

The 28th April 1899.

No. 1550.—In exercise of the powers conferred by Section 2 of the Epidemic Diseases Act, 1897, the Governor-General in Council is pleased to make the following regulation to be observed by all persons embarking on board vessels at any port in British India, namely:

"1. No person, without the written or printed permission in this behalf of the Local Government in whose territories the port is situated under the signature of a Secretary to Government, first obtained, shall take either on his own person, or in any baggage or parcel, or as cargo or otherwise howsoever, or shall send or permit to be taken or sent on his account either on the person of another, or in any baggage or parcel, or as cargo or otherwise howsoever, any plague microbes or cultures on board any vessel in any port in British India.

2. No person, whether he has or has not obtained permission as hereinbefore required, shall take, send or permit to be taken or sent as aforesaid any such microbes or cultures, on any such vessel at any such port unless and until he has—

(1) given 14 clear days' notice in writing of his intention so to do to the Health Officer of such port, and

(2) by a certificate in the form hereinafter contained and signed by such person, and in such other manner as may be required by such officer satisfied such officer that all such microbes or cultures—

(*a*) are addressed to, and intended for scientific purposes at, some recognized constituted Laboratory or Laboratories specified by such person in his own handwriting, and

(*b*) are secured in a tin or tins—

(i) of adequate strength,

(ii) hermetically sealed, and

(iii) labelled with such distinguishing inscription as will suffice to make immediately manifest the nature of the contents thereof."

FORM OF CERTIFICATE REFERRED TO IN RULE 2 (3).

CERTIFIED that the plague microbes (or cultures) which I wish to send to __________ by the vessel __________ which is timed to sail from the port of __________ on the __________ are addressed to the Scientific Laboratory at __________ and are intended for scientific purposes at that Laboratory or other recognized Scientific Laboratories. Certified also that the microbes (or cultures) are secured in __________ tin(s) of adequate strength, hermetically sealed, and labelled.

(Signed)

DATED __________,

The 1899.

JAILS.

The 28th April 1899.

No. 182.—The services of Captain W. B. Lane, I.M.S. (Bengal), are placed temporarily at the disposal of the Government of the Punjab for employment in the Jail Department.

ECCLESIASTICAL.

The 28th April, 1899.

No. 169.—The following extract from a Despatch from Her Majesty's Secretary of State for India is published for general information :

No. 42 (Public-Ecclesiastical), dated the 23rd March 1899.

* * * * * * * *

2. Her Majesty has also been pleased to approve the appointment of the Reverend George Lefroy to be Bishop of the See and Diocese of Lahore in succession to the Right Reverend Henry James Matthew, D.D., deceased.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 28th April 1899.

No. 1095-*I-A.*—In exercise of the powers conferred by Section 13 and Section 24, sub-section (2), of the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), the Governor-General in Council is pleased to appoint the Deputy Commissioner of the Umballa District, in the Punjab, to be a Registrar of Births and Deaths in respect of the classes of persons indicated in Section 11, sub-section (1), clause (*b*), of the said Act for all places situate within the territory of His Highness the Raja of Nahan (Sirmur), and to appoint the Registrar-General of Births, Deaths and Marriages for the Punjab, to be the Registrar-General to whom the said Registrar shall send certified copies of entries of births and deaths in the register book kept by him.

H. S. BARNES,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

STATISTICS AND COMMERCE.

CUSTOMS.

Simla, the 22nd April 1899.

No. 1771-*S.R.*—In exercise of the power conferred by Section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to exempt goods, the produce of Native States in India, which, after being exhibited at the Paris Exhibition of 1900 are returned to India, and which, if produced or manufactured in British India, might, under the proviso to Section 25 of the said Act, be admitted without payment of duty, from the whole of the customs duty, if any, leviable thereon under the Indian Tariff Act, 1894 (VIII of 1894, as amended by III of 1896).

The 28th April 1899.

No. 1947-*S. R.*—In exercise of the power conferred by Section 22 of the Sea Customs Act (VIII of 1878), the Governor-General in Council is pleased to declare that hoop steel, galvanised, shall be assessed to duty on importation at one per cent. *ad valorem.*

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 28th April 1899.

RETIREMENTS.

No. 454.—Major L. T. Young, M.D., Indian Medical Service, Bengal, Civil Surgeon, Umballa, has been transferred by the Secretary of State for India to temporary half-pay list, with effect from the 29th April 1899, subject to Her Majesty's approval.

VOLUNTEER CORPS.

MEDALS AND DECORATIONS.

No. 468.—His Excellency the Governor-General of India has been pleased to confer the Volunteer Officers' Decoration upon the undermentioned officer of the Indian Volunteer Force, who has been duly recommended for the same under the Royal Warrant of 24th May 1894 (India Army Circulars of 1894, clause 101):

1st Punjab Volunteer Rifles.

Lieutenant Percy Albert Raynor.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 11, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 6TH, 1899.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Simla, the 5th May 1899.

No. 1472, dated the 18th September 1896.
No. 2173, dated the 15th October 1897.
No. 896, dated the 30th May 1898.

No. 877.—In exercise of the powers conferred by Section 27 of the Indian Arms Act, 1878 (XI of 1878), and in supersession of the Notifications of the Government of India in the Home Department cited on the margin, the Governor-General in Council is pleased to direct that for clauses (*c*) and (*d*) of Part III of the like Notification No. 518, dated the 6th March 1879, as subsequently and from time to time amended, the following be substituted, namely :

"(*c*) all scheduled districts in the territories administered by the Lieutenant-Governor of the Punjab, except the following tracts, namely—

(1) the Hazara District, excluding (*a*) the Jagir of the Nawab of Amb, commonly known as Feudal Tanawal (including the Phulera jagir), and (*b*) certain tracts and villages on the Hazara frontier specially notified by the Local Government ;

(2) the cis-Indus tahsils of the Bannu and Dera Ismail Khan Districts ; and

(3) the Cantonments and Municipalities in the Bannu, Dera Ismail Khan, Dera Ghazi Khan, Peshawar, Hazara and Kohat Districts ;

from all prohibitions and directions contained in Section 13 :

Provided that, with respect to the trans-Indus tahsils of the Bannu and Dera Ismail Khan Districts and to the Dera Ghazi Khan, Peshawar, Hazara and Kohat Districts, the said prohibitions and directions are not hereby suspended as to—

(*i*) arms known as pistols or daggers ; or

(*ii*) arms of any kind as regards the class of persons known as Trans-Border Pathans.

(*d*) all scheduled districts in the territories administered by the Lieutenant-Governor of the Punjab, except the following tracts, namely, the Hazara District excluding (*a*) the jagir of the Nawab of Amb, commonly known as Feudal Tanawal (including the Phulera jagir), and (*b*) certain tracts and villages on the Hazara frontier specially notified by the Local Government, from all prohibitions and directions contained in Section 14 :

Provided that the said prohibitions and directions are not hereby suspended in any portion of the Hazara, Kohat and Peshawar Districts, as to

(i) arms known as pistols and daggers ; or

(ii) arms of any kind, ammunition and Military stores as regards the class of persons known as Trans-Border Pathans."

No. 878.—The following Despatch from the Secretary of State and enclosed memorandum of the Board of Agriculture of Great Britain relating to the importation of dogs into that country are published for general information :—

India Office,

London, 23rd March 1899.

Revenue.

No. 59.

To His Excellency the Right Honourable the Governor-General of India in Council.

MY LORD,

I forward, for the information of Your Excellency and with a view to its provisions being made widely known in India, 300 copies of a memorandum of the Board of Agriculture relating to the importation of dogs into this country.

2. A copy of the covering letter is also enclosed.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servant,

GEORGE HAMILTON.

BOARD OF AGRICULTULE.

IMPORTATION OF DOGS INTO GREAT BRITAIN.

Memorandum as to the conditions which have been prescribed in order to prevent the introduction of Rabies.

1. The disease of rabies in dogs and of hydrophobia in man, which remains prevalent in almost all other parts of the world, has become practically extinct in this country, but as it may remain latent in a dog for a very long period, it has become necessary, in the interests of owners of dogs in this country, to adopt precautions against the re-introduction of the disease by means of dogs which may, unknown to their owners, have become infected whilst in a foreign country.

2. The Importation of Dogs Orders, therefore, prohibit the introduction of dogs into Great Britain from any foreign country or British Possession, other than the Channel Islands, without the sanction of the Board of Agriculture ; and the landing of a dog from abroad (whether originally exported from Great Britain or not) will, unless a license has previously been obtained, render the owner liable to a penalty of £ 20 and the possible seizure of the dog.

3. Every person wishing to introduce a dog into Great Britain must, before the dog is embarked, obtain a license permitting the landing of the dog on arrival; and the attention of owners, charterers, and masters of vessels carrying dogs is drawn to the fact that, by permitting the landing of such dogs from their vessels without the requisite licenses, they render themselves liable to legal proceedings.

4. Every application for a license for landing a dog should be made in writing on a form which will be supplied to *boná fide* applicants. It must be signed by the owner of the dog, or by his agent specially authorized in writing for the purpose, and should be sent to *The Secretary, Board of Agriculture, 4, Whitehall Place, London, S. W.*, in sufficient time to enable the Board to make full inquiries into the circumstances of the application, and the suitability of the proposed premises for the isolation of the dog, and to communicate to the owner their decision before the embarkation of the dog is to take place.

5. In order that the Board may have it on record that the conditions on which alone a license can be issued are fully known by the owner of the dog (or the person if other than the owner, in whose charge it is to be detained), the signature of the owner or of the proposed custodian of the dog is to be subscribed to the undertaking printed on the back of the form of application. The signature of an agent cannot, in any case, be accepted as sufficient, unless he is prepared personally to undertake the charge of the dog during the whole period of detention.

6. In very exceptional cases, the Board are prepared to entertain applications made by telegram, on the following conditions:

(*a*) The telegram must set forth the description of the dog, stating as far as possible for purposes of identification the particulars of its breed, sex, age and colour, and the place where it is proposed that the animal should be detained.

(*b*) The place of detention must be the residence of a householder, or other responsible resident of long standing, in Great Britain, who is prepared to detain the dog on the premises for not less than ninety days in accordance with the conditions of the license; and the full name and address of the person must be given so as to enable the Board, before the license is issued, to place themselves in communication with him to ascertain whether he is in a position to fulfil the requisite conditions.

(*c*) An address must also be named in the telegram to which the Board can send the license if issued, or otherwise communicate their decision to the applicant. This should be some place in the country of embarkation, as shipowners cannot properly permit the embarkation of any dog on board their vessels for importation into this country unless the dog is accompanied by the requisite license.

(*d*) The telegram should contain the undertaking of the owner to carry out the conditions imposed.

7. The conditions imposed in the license require the detention of the dog for a period of six months on some suitable private premises to be specified by the owner, and approved by the Board, where the dog will be under the supervision of the officers of the Board and of the Local Authority, for whose inspection it should be produced, if required. But if the general conditions imposed are properly carried out, the Board are prepared, on the production of a certificate of a duly qualified veterinary surgeon, that the dog is not affected with, or suspected of, rabies, to consider applications for the release of the dog after a period of detention of ninety days. Dogs which have been recently purchased from foreign dealers or of which the antecedents are unknown, will be subjected to special restrictions and a longer period of detention.

8. The owner's private place of residence is regarded in most instances as a suitable place of detention.

9. Hotels, barracks, or other similar premises where the dog cannot be conveniently isolated, are not regarded by the Board as suitable places of detention.

10. On arrival at a port in Great Britain and before the dog can be landed, the holder of the license is required to produce it for the inspection of the officer of Her Majesty's Customs, who is empowered and directed to mark it with the name of the port, the date of landing, and his initials, as a vertification of the legality of the landing.

11. The dog must be taken as soon as it is landed, by the nearest available route, and without unnecessary delay, to the premises specified in the license.

12. In the case, however, of dogs landed late in the day, and where the place of detention is several hours' journey from the port, the Board do not object to the journey of the dog from one place to the other being broken by its detention at some suitable place for one night only, provided that it is kept absolutely apart from all other dogs, and that the journey is resumed the next day and completed with all reasonable despatch.

13. In every case the license should accompany the dog on its journey, and be retained by the person in charge until it is required to be returned to the Board.

14. It should be clearly understood that the dog cannot in any case be moved from the place of detention, either to other premises or to a vessel for exportation out of the United Kingdom, without a further license from the Board; but should exceptional circumstances arise which render such removal necessary or expedient, the Board are prepared to consider an application for a license, provided that they are satisfied by the production of a certificate of a duly qualified veterinary surgeon that the dog is not affected with, or suspected of, rabies. When the proposed removal is to some other place in the United Kingdom, a suitable place must be specified where the dog can be kept for the remainder of the period of detention.

15. During the period of detention the dog, when temporarily moved for exercise or other like purpose from the place of detention, must be in charge of a competent person, and be properly muzzled with a wire cage muzzle, and this latter condition is also applicable when the dog is likely at any time to be brought into contact with other dogs.

16. Should the dog die, or be lost, the fact should be at once reported to the Board, together with full information as to the symptoms preceding death, or the circumstances under which the loss took place; and, in the event of the dog sickening with any of the symptoms of rabies, it should be at once isolated, and the advice of a veterinary surgeon obtained.

17. Licenses to which special conditions are attached are issued by the Board to land *boná fide* performing dogs, if it can be shown that the dogs have been trained to take part in performances for the entertainment of the public, and that they are to be imported for that purpose only. In such cases satisfactory evidence must be offered that the animals are habitually kept absolutely apart from all other dogs, whether in this country or abroad, and a place must be specified where the dogs can be examined, if thought necessary, after being landed.

18. For the convenience of persons passing through Great Britain the Board are also prepared, in special cases, to authorize the landing of dogs which are proposed to be exported within a few days. In making an application for such a license, the ports, the names of the vessels, and the dates of arrival and departure, must be specified, and the address of some suitable place where the dog can be detained during the period that it remains in Great Britain, which must not exceed ten days. The license in this case should be endorsed by an officer of the vessel of departure, and returned to the Board by the owner, and the dog must not be again landed in Great Britain without a further license.

T. H. ELLIOTT,

Secretary.

JUDICIAL.

Simla, the 5th May 1899.

No. 687.—In exercise of the power conferred by Section 4 of the Punjab Courts Act, 1884 (XVIII of 1884), as amended by Act XIX of 1895, the Governor-General in Council is pleased to appoint Mr. A. H. S. Reid, Barrister-at-Law, one of the Judges of the Chief Court, Punjab, to perform the duties of Chief Judge of that Court during the absence on furlough of Mr. W. O. Clark, or until further orders.

The Governor-General in Council is also pleased, under the provisions of the same section, to make the following appointments, with effect from the date of the departure on furlough of Mr. W. O. Clark :

Mr. J. A. Anderson, I. C.S., first temporary Additional Judge of the Chief Court, Punjab, to officiate as a Judge of that Court.

Mr. F. A. Robertson, I.C.S., second temporary Additional Judge of the Chief Court, Punjab, to officiate as first temporary Additional Judge of that Court.

Mr. H. Maude, I.C.S., Divisional Judge of Delhi, to officiate as second temporary Additional Judge of the Chief Court.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

STATISTICS AND COMMERCE.

CUSTOMS.

Simla, the 1st May 1899.

No. 1959-*S.R.*—In exercise of the power conferred by Section 23 of the Sea Customs Act (VIII of 1878), the Governor-General in Council is pleased to exempt anti-plague serum from the import duty leviable thereon under No. 11 of Schedule IV of the Indian Tariff Act (VIII of 1894), as amended by Acts XVI of 1894 and III of 1896.

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 5th May 1899.

APPOINTMENTS.

PERSONAL STAFF.

No. 469.—The following appointment has been made on the personal staff of the Hon'ble the Lieutenant-Governor of the Punjab.

To be Aide-de-Camp.

Captain J. M. Stewart, 5th Gurkha (Rifle) Regiment. Dated 15th April 1899.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 1st May 1899.

No. 188.—The Governor-General in Council is pleased to order the following *permanent* promotions to and in the classes of Superintending Engineers, with effect from the 1st October 1898 :

Names.	From	To
Jeffery, T. J. P.	Superintending Engineer, 1st Class, sub. *pro tem.*	Superintending Engineer, 1st Class.
Dempster, J. I. R.	Superintending Engineer, 2nd Class, sub. *pro tem.*	Superintending Engineer, 2nd Class.
* * * *	* * *	* * * *

No 190.—The Governor-General in Council is pleased to order the following promotions and reversion in the classes of Chief and Superintending Engineers, with effect from the dates specified :

Names.	From	To	Nature of promotion	With effect from
* * *	* * *	* * *	* *	* *
Campion, J. M. ...	Superintending Engineer, 1st Class, *temporary rank.*	Superintending Engineer, 1st Class.	Permanent	15th December 1898.
* * *	* * *	* * *	* *	* *
Thurburn, Brevet-Colonel J. W., R.E.	Superintending Engineer, 3rd Class, *temporary rank.*	Superintending Engineer, 2nd Class.	Temporary	12th February 1899.
* * *	* * *	* * *	* *	* *
Mullaly, J. J.	Superintending Engineer, 3rd Class, *temporary rank.*	Superintending Engineer, 3rd Class.	Permanent	6th March 1899.
* * *	* * *	* * *	* *	* *
Phelan, A.B.	Superintending Engineer, 2nd Class, *temporary rank.*	Superintending Engineer, 2nd Class.	Sub. *pro tem.*	13th March 1899.
* * *	* * *	* * *	* *	* *

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

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LAHORE, THURSDAY, MAY 18, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 29TH, 1899.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

Simla, the 28th April, 1899.

No 1555.—In exercise of the powers conferred by section 58 of the Pilgrim Ships Act, 1895 (XIV of 1895), the Governor-General in Council is pleased to direct that the following rule shall be substituted for Rule 6 (1) of the rules published with the Notification of the Government of India in the Home Department, No. 262, dated the 5th October 1896:

6. (1) Every pilgrim ship shall be provided with boats (to be placed under davits), at least two of which shall be lifeboats, according to the following scale:

1	2	3
Gross tonnage of ship.	Minimum number of boats to be placed under davits.	Total minimum cubic contents of boats to be placed under davits L. × B. × D. × ·6.
500 and under 600	3	600
600 „ 700	3	700
700 „ 800	4	800
800 „ 900	4	900
900 „ 1,000	4	1,000
1,000 „ 1,250	4	1,250
1,250 „ 1,500	6	1,500
1,500 „ 1,750	6	1,700
1,750 „ 2,000	6	1,800
2,000 „ 2,250	6	1,900
2,250 „ 2,500	6	2,000
2,500 „ 2,750	6	2,050
2,750 „ 3,000	6	2,100
3,000 „ 3,250	8	2,400
3,250 „ 3,500	8	2,500
3,500 „ 3,750	8	2,600
3,750 „ 4,000	8	2,700
4,000 „ 4,250	8	2,800
4,250 „ 4,500	8	2,900
4,500 „ 4,750	8	2,000
4,750 „ 5,000	10	3,300
5,000 „ 5,250	10	3,400
5,250 „ 5,500	10	3,500
5,500 „ 5,750	10	3,600
5,750 „ 6,000	10	3,700

PROVISO.—Provided that, where in ships already fitted the minimum cubic contents of boats placed under davits are provided, as required by column 3 of the said scale, this rule shall be deemed to have been sufficiently complied with, although the actual number of boats so carried falls below the minimum prescribed in column 2 of the said scale.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED MAY 13TH, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 11th May, 1899.

No. 326.—The services of Mr. W. M. Hailey, of the Indian Civil Service, are replaced at the disposal of the Government of the Punjab, with effect from the 6th instant.

MEDICAL.

The 6th May, 1899.

No. 784.—Lieutenant-Colonel F. F. Perry, F.R.C.S., I.M.S. (Bengal), Professor of Surgery in the Lahore Medical College, is granted furlough out of India for six months, under Article 340 (*b*) of the Civil Service Regulations.

No. 785.—Major W. R. Clark, M.B., C.M. I.M.S (Bengal), is appointed to officiate as Professor of Surgery in the Lahore Medical College, during the absence on furlough of Lieutenant-Colonel F. F. Perry, F.R.C.S., I.M.S. (Bengal), or until further orders.

The 12th May, 1899.

No. 812.—Captain J. W. Wolfe, M.B., B.C.H., I.M.S. (Bengal), was employed under the Government of the Punjab on plague duty from the 21st March to the 4th May 1899, and his services were replaced at the disposal of the Government of Burma, with effect from the 5th May 1899.

No. 815.—Colonel B. Franklin, C.I.E., I.M.S. (Bengal), was placed on special duty from the 6th January to the 24th January 1899, to accompany the Right Honourable the Earl of Elgin and Kincardine, K.G., P.C., G.C.S.I., G.C.I.E., on the return of His Lordship to Europe. On the 25th of January 1899 he was appointed to be Inspector-General, Civil Hospitals, North-Western Provinces and Oudh, and was granted privilege leave for three months, with effect from the same date. On the 2nd April he was appointed to be Inspector-General of Civil Hospitals in the Punjab and he joined that appointment on the 25th April, on the expiry of his leave.

SANITARY.

Plague.

The 9th May, 1899.

No. 1636.—In exercise of the powers conferred by section 2, sub-section (*1*), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to prohibit the bringing of used apparel and bedding (except when used as the personal baggage of travellers), rags and waste paper from the Province of Bengal and the Jullundur and Hoshiarpur Districts of the Punjab into any part of British India.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

LEAVE AND APPOINTMENTS.

Simla, the 11th May, 1899.

No. 2148-*Gl.*—The services of Mr. C. W. Sandford, Chief Superintendent in the Office of the Accountant-General, Bengal, are placed temporarily at the disposal of the Government of the Punjab, with effect from the 1st May 1899.

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 12th May, 1899.

MEDICAL DEPARTMENT.

SUBORDINATE.

No. 514.—With the approval of the Right Hon'ble the Secretary of State for India the Government of India sanction the following changes in the conditions of service of the Warrant Officers of the Indian Subordinate Medical Department, with effect from the 1st of April 1899:

1. The existing grade of 3rd class assistant surgeon is abolished and the service will be divided into four classes as shown below :

Old designations. (Grades)		New designations. (Classes.)	Corresponding Rank.	Pay. Rs.
1st class	Above 5 years' service ...	1st class	Conductor	200
	Under 5 ,, ,, ...	2nd class		150
2nd class	Above 5 ,, ,, ...	3rd class	Sub-Conductor	110
	Under 5 ,, ,, ...	4th class		85
3rd class	... ...			

Note.—Compensation for quarters, furlough pay, half-pay, pensions, etc., of the new classes will be according to the allowances at present authorised for the corresponding former grades.

2. Subject to good-conduct and efficiency and in the case of 3rd class assistant surgeon the passing of an examination also, as detailed in paragraph 3, a service of five years in the 4th class and of seven in the 3rd and 2nd class, respectively, shall entitle an assistant surgeon to promotion to the next higher class.

3. Third class assistant surgeons will, before being eligible for promotion, be required to pass an examination in surgery, practice of medicine, materia medica, hygiene, midwifery and acquaintance with the regulations which govern military hospitals, at any time before the end of the twelfth year of service. No allowance on any account, including that of field service, will be made for failure to pass this examination which will be held annually under the orders of the Director-General, Indian Medical Service, who may, on the advice of the examiners, remand a candidate to his studies for any period not exceeding two years.

4. (*a*) The assistant surgeons in the service on the 1st April 1899 (excluding those who have been specially promoted, degraded or passed over for promotion during their service) will be classified from 1st April 1899, according to their length of service as follows:

Those under five years' service will be graded in the 4th class;

Those of 5 and under 12 years' service will be graded in the 3rd class;

Those of 12 and under 19 years' service will be graded in the 2nd class;

Those of 19 years' service and over will be graded in the 1st class; and their rank in their new class will in like manner be fixed according to the date of their warrant rank. Thus an Assistant Surgeon who entered the service on the 1st August 1886, will be placed in the 2nd class and will rank from the 1st August 1898.

(*b*) An assistant surgeon, who has been specially promoted, degraded, or passed over for promotion during his service will be placed in the same class as, and immediately below, the assistant surgeon next above him in his present grade whose promotion has been normal and the date of his rank in his new class shall be the same as that of a normal assistant surgeon and in his subsequent promotion he shall (unless again specially promoted, degraded or passed over for promotion) be treated according to paragraphs 2 and 3 above as if his entry into the class occurred on such date.

(*c*) All promotions made under paragraph 4 (*a*) into the first and second classes shall be subject to the condition that the assistant surgeons so promoted shall, if not already qualified, qualify within two years in accordance with paragraph 3 above.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 528.—*1st Punjab Volunteer Rifles*—

Second-Lieutenant Charles William McCulloch resigns his commission.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

Government Gazette

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LAHORE, THURSDAY, MAY 25, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 20TH, 1899.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 20th May, 1899.

No. 561-*M.*—His Excellency the Viceroy and Governor-General, accompanied by His Honour the Lieutenant-Governor of the Punjab, His Excellency the Commander-in-Chief and the Members of the Governor-General's Council, will attend the Divine Service at Christ Church, Simla, at 11 o'clock on Wednesday, the 24th May 1899, which will be held in commemoration of the 80th Birthday of Her Majesty the Queen-Empress.

Officers of Her Majesty's services, Civil and Military, are invited to attend.

Full dress will be worn by all officers entitled to wear uniform: morning dress by gentlemen not entitled to wear uniform.

The Chaplain of Simla will arrange for seats being reserved for those who have no sittings at Christ Church, if application is made to him in writing.

By Command,

ARTHUR SANDBACH, *Lieut.-Col.*,

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATION.

JAILS.

Simla, the 13th May, 1899.

No. 203.—The services of Captain R. Heard, M. B., B. C. H., I. M. S. (Bengal), are placed temporarily at the disposal of the Government of the Punjab for employment in the Jail Department.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 17th May, 1899.

No. 1291-*I.-A.*—In exercise of the powers conferred by section 2, sub-section (1) of the Epidemic Diseases Act, 1897 (III of 1897), as applied by the Notification of the Government of India in the Foreign Department, No. 443-I.-A., dated the 4th February, 1897, to all territories in India which are under the administration of the Governor-General in Council, but are not part of British India, including all railway lands and the territories for the time being administered by the Agent to the Governor-General in Baluchistan as such Agent, the Governor-General in Council is pleased to prohibit the bringing of used apparel and bedding (except when used as the personal baggage of travellers), rags and waste paper from the province of Bengal and the Jullundur and Hoshiarpur districts of the Punjab into any part of the territories first aforesaid.

H. S. BARNES,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 19th May, 1899.

LONDON GAZETTE.

No. 541—The following extracts are published for general information:

"*London Gazette,*" *dated the* 21st *April* 1899, *pages* 2546 *and* 2547.

INDIA OFFICE;
21*st April,* 1899.

The Queen has approved of the following promotions among the officers of the Staff Corps, * * * * made by the Government of India:

INDIAN STAFF CORPS.

To be Lieutenant-Colonels.

Major Charles James Robarts. Dated 12th February 1899.

* * * * * * * *

INDIAN ARMY DEPARTMENTS.

* * * * * * * *

The Queen has also approved of the retirement from the service of the under-mentioned officers:

* * * * * * * *

INDIAN MEDICAL SERVICE.

Colonel Daniel O' Connell Raye, M. D., Bengal Establishment. Dated 2nd April 1899.

* * * * * * * *

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 18th May, 1899.

No. 218.—The retirement of Mr. J. I. R. Dempster, Superintending Engineer, 2nd Class, Punjab, has effect from the forenoon of the 15th April 1899, and not from the date given in Public Works Department Notification No. 165, dated the 17th April 1899.

T. HIGHAM,
Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 1, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 20TH, 1899.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 13th May, 1899.

No. 210.—The services of the undermentioned officers are placed at the disposal of the Revenue and Agricultural Department, in view to their employment in the Survey of India Department :—

Lieutenant C. P. Gunter, R.E., Assistant Engineer, 1st Grade, Punjab.

Lieutenant A. A. Crookshank, R.E., Assistant Engineer, 2nd Grade, Punjab.

The 15th May, 1899.

No. 212.—Sub-Conductor H. W. Long, Supervisor, 2nd Grade, Military Works Department, is appointed to officiate as an Assistant Engineer in the Provincial Service of the Engineer Branch of the Public Works Department and posted to the Punjab, Public Works Department.

The 18th May, 1899.

No. 219.—Lala Rulla Rám, Accountant, 1st Grade, and Assistant Examiner (honorary rank), attached to the Office of the Examiner, Public Works Accounts, Punjab, is appointed to officiate as a Deputy Examiner of Accounts, Class II (new classification), with effect from the 7th April 1899, and until further orders.

T. HIGHAM,

Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED MAY 27TH, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 22nd May, 1899.

No. 1067.—In continuation of the Notification of the Government of India in the Home Department, No. 877 Public, dated the 5th May 1899, and in exercise of the powers therein described, the Governor-General in Council is pleased to direct that for the word and figures "section 14" in the said Notification the words and figures "section 14 and section 15" shall be read.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla the 26th May, 1899.

No. 756-*E-A*.—Whereas the Governor-General in Council has power and jurisdiction within the tract noted in the margin:

The tract bounded on the north by the country of the Mianis; on the west by the country of the Bargha Shirannis; on the south by the country of the Zmarrais and Ustranas; and on the east by the Dera Ismail Khan District.

In exercise of such power and jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to make the following orders:

PART I.

1. (*1*) The provisions, so far as they can be made applicable in the circumstances for the time being, and as amended for the time being by subsequent enactments, of the enactments specified in the First Schedule to this Part, are hereby applied to the aforesaid tract, subject, in the case of the Code of Criminal Procedure and the Punjab Frontier Crimes Regulation, to the modifications specified in the Second Schedule to this Part.

(2). For the purpose of facilitating the application of the said enactments to the said tract, any Magistrate or Court for that tract may construe any provision in any such enactment with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Magistrate or Court.

THE FIRST SCHEDULE.

Enactments applied.

Number and year.	Subject.
Act XLV of 1860 ...	... Indian Penal Code.
Act XXIII of 1867 ...	... Punjab Murderous Outrages.
Act IX of 1877 ...	... Reviving and Amending Act XXIII of 1867.
Act V of 1898 ...	... Criminal Procedure.
Regulation IV of 1887	... Punjab Frontier Crimes.

THE SECOND SCHEDULE.

Modifications in the Code of Criminal Procedure and the Punjab Frontier Crimes Regulation.

(*1*) *In the Code of Criminal Procedure*—

(*a*) The Court of Session may take cognizance of any offence, as a Court of Original Jurisdiction, without the accused person being committed to it by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure prescribed by the Code of Criminal Procedure for the trial of warrant cases by Magistrates;

(*b*) No appeal shall lie from any order of the Sessions Judge;

(*c*) Trials before the Court of Sessions may, in the discretion of the Sessions Judge, be without jury or the aid of assessors.

(2) *In the Punjab Frontier Crimes Regulation* 1887—

(*a*) For section 1, sub-sections (2), (3), (4), (5) and (6), the following shall be substituted, namely:

"(2) This Regulation shall not be enforced against (1) European British subjects or (2) persons of any such class as the Local Government may, by notification in the local official Gazette, declare to be exempt therefrom, or (3) any person in the civil or military service of the Government, unless such person is accused of having csmmitted an offence conjointly with a person to whom this Regulations applies."

"(3) The word 'class' as used in sub-section (2), includes any persons who may be collectively described in a notification under this section as persons exempt from the provisions of this Regulation."

(*b*) Section 2 and section 7, sub-section (2), shall be omitted.

(*c*) For clause (2) of section 3, the following shall be substituted, namely:

'(2) "Commissioner" means the Commissioner of the Derajat Division, and

'(3) "Deputy Commissioner" means Deputy Commissioner of the Dera Ismail Khan District.'

(*d*) For sub-section (1) of section 10, the following shall be substituted namely:

"When the Deputy Commissioner thinks it expedient that any dispute should be settled in the manner provided by this section, he may make an order in writing, stating the grounds of his opinion and referring the dispute to a Council of Elders."

PART II.

For the purposes of the exercise of criminal jurisdiction as regards the aforesaid tract,—

(1) (*a*) The Deputy Commissioner for the time being of the Dera Ismail Khan District, as regards the said tract, shall exercise the powers of a District Magistrate, as described in the Code of Criminal Procedure, and may try any offence or pass any sentence which a District Magistrate specially empowered under section 30 of that Code may try or pass; and

(*b*) Every Magistrate having for the time being any jurisdiction within the Dera Ismail Khan District shall exercise the like jurisdiction, as regards the said tract.

(2) The Commissioner for the time being of the Derajat Division shall be the Sessions Judge, and his Court the Court of Sessions as regards the said tract.

(3) The functions of the High Court as a Court of Reference and Revision shall be discharged by the Lieutenant-Governor of the Punjab and its Dependencies.

(4) All other functions of the High Court shall be discharged by the Court of Session.

(5) This part of this notification applies to all proceedings, except proceedings against European British subjects or persons jointly charged with European British subjects.

H. S. BARNES,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE.

POST OFFICE.

Simla, the 26th May, 1899.

No. 2326-S.R.—In exercise of the power conferred by section 10 (*1*), of the Indian Post Office Act (VI of 1898), the Governor-General in Council is pleased to declare that Malta, Jamaica, Mauritius, North Borneo, and Labuan should be added to the list of British Possessions mentioned in Part I, rule 3 of the Notification in this Department, No. 1429-C.S.R., dated the 30th March 1899, published in the *Gazette of India* of the same date.

LEAVE AND LEAVE ALLOWANCES.

No. 2255-P.

The 17th May 1899.

RESOLUTION—By the Government of India, Finance and Commerce Dapartment.

Read—

Resolution by the Government of India in the Finance and Commerce Department, No. 546, dated 31st January 1888, prohibiting heads of offices from employing officers belonging to other establishments without the previous consent of the officers on whose establishments they are borne.

RESOLUTION.—In paragraph 1 of the foregoing Resolution it is stated that "officers employed under Government sometimes obtain leave of absence, with the intention of taking up other employment under Government or otherwise, or accept such employment while on leave." The use of the words "or otherwise," in the passage above quoted, has had the effect of rendering the orders in the Resolution applicable to the cases of officers who take service under private employers while on leave. These cases are, however, dealt with under separate orders,* and the Resolution of 31st January 1888 should be held to apply only to the case of an officer taking employment on one Government establishment before he has resigned his appointment on another. The Governor-General in Council is accordingly pleased to direct that the words "or otherwise," referred to above, be cancelled.

*No. 3738, dated 10th July 1888.
No. 2256-P., dated 17th May 1899.

Ordered that this Resolution be communicated to all Local Governments and Administrations, to the several Departments of the Government of India (except the Public Works Department), to the Heads of Departments subordinate to this Department, and to all Accountants-General and Comptrollers for information.

Ordered also that a copy of this Resolution be forwarded to the Public Works Department, with reference to the communication from that Department, No. 127-G., dated 4th February 1899.

Ordered also that this Resolution be published in the *Gazette of India.*

No. 2256-*P.*

RESOLUTION—By the Government of India, Finance and Commerce Department.

Read—

Resolution by the Government of India in the Finance and Commerce Department, No. 3738, dated 10th July 1888, prohibiting officers in receipt of furlough or leave allowances from taking service under any other employer in India; and, in the case of officers lent to any other employer, from taking leave or obtaining leave allowances unless they actually quit their employment for the period of such leave.

RESOLUTION.—In supersession of the Resolution read in the preamble, the Governor-General in Council is pleased to issue the following orders relating to the conditions of acceptance of private employment during leave.

No gazetted officer of Government, who is in receipt of furlough or leave allowance, may, without the special orders of the Government of India, take service under any other employer in India, and no such officer, whose services have been lent to any other employer in India, can take leave or obtain leave allowances from the Government of India, unless he actually quits his employment for the period of such leave. In the case of a non-gazetted officer the previous consent of his departmental superior is sufficient authority for the taking of leave with the object of obtaining such employment and for the acceptance of such employment during leave.

ORDER.—Ordered that this Resolution be communicated to all Local Governments and Administrations, to the several Departments of the Government of India (except the Public Works Department), to Heads of Departments subordinate to this Department, and to all Accountants-General and Comptrollers for information.

Ordered also that a copy of this Resolution be forwarded to the Public Works Department, with reference to the communication from that Department, No. 127-G., dated 4th February 1899.

Ordered also that this Resolution be published in the *Gazette of India*.

SALARIES, ESTABLISHMENTS, ETC.

COMPENSATION.

No. 2418-*Ex.*

The 26th May 1899.

RESOLUTION—By the Government of India, Finance and Commerce Department.

Read—

Resolution by the Government of India, Finance and Commerce Department, No. 2422-Ex., dated the 31st May 1897.

Resolution by the Government of India, Finance and Commerce Department, No. 4847-Ex., dated the 5th November 1898.

Resolution by the Government of India, Finance and Commerce Department, No. 5040-Ex., dated the 17th November 1898.

RESOLUTION.—The claim of an officer appointed in India to receive exchange compensation allowance under the rules at present in force depends on two factors, which may be described as *personal* and *official* eligibility.

Personal eligibility is obtained only by being outside "the class to which an important privilege as to appointment in India is secured by the Statute 33 Vict., Cap. 3" (paragraph 4 of Resolution in this Department, No. 2422-Ex., dated 31st May 1897).

Official eligibility depends on the tenure of an appointment, or the membership of a service or Department, which has been declared by the Government of India to render its holder or member entitled to exchange compensation allowance if personally eligible.

2. The Resolution in this Department, dated 5th November 1898, No. 4847-Ex., has given detailed instructions in regard to official eligibility, and the Government of India now consider it desirable, in order to reduce the references which have hitherto been made to them on the subject, to lay down more specific instructions than have yet been promulgated in regard to the determination of personal eligibilty.

3. It will be recollected that in the Circular letter of the Government of India in the Home Department, dated 18th April 1879, No. 21—746-53, it was ruled that no person other than a native of India as defined in section 6 of 33 Vict.,* Cap. 3, should, save in certain excepted Departments, be thereafter appointed to an office carrying a salary of Rs. 200 a month or upwards without the special sanction of the Governor General in Council. Persons who belong to the class (Natives of India) who are thus protected as against outside competitors are not eligible for exchange compensation allowance. In the case therefore of a claimant for exchange compensation allowance who has been born in India and whose father was at that time in the country, the first thing to be considered is not the appointment or Department which he at present holds or belongs to, but whether, if he had at the time he first entered Government service been an applicant for a post to

* That is, "a person born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purposes only."

which the restrictive orders of 1879 apply (a Deputy Collectorship, for example), he could have been appointed thereto without the special sanction of the Government of India. An Indian-born applicant for such a post would not, whatever his race, be regarded as falling under the restrictive orders of 1879 if he had been wholly or mainly brought up in this country. It follows, therefore, that a man of this description should be held *primâ facie* ineligible on personal grounds for exchange compensation allowance, whatever his actual appointment may be, and if he demurs to this presumption, it will fall upon him to show fully and clearly—

(*a*) that he was not domiciled in India at the time of his first appointment to Government service ; or

(*b*) that his parents were only temporary residents in this country.

If he cannot do this, his claim fails.

4. The disposal of "personal eligibility" claims to exchange compensation allowance should further be subject to the following principles:

(1) In all cases in which the question whether or not the officer concerned is a 'Statutory native' has already been raised in connection with some claim of his to the privileges of a Statutory native the decision then arrived at must be regarded as final;

(2) All persons who have, subsequent to the promulgation of the orders of the 18th April 1879, above referred to, been admitted to Government service without the special sanction of the Government of India under circumstances which would have necessitated such sanction had they not been regarded as Statutory natives, must be deemed personally ineligible for exchange compensation allowance.

5. The case of men entering the Government service subsequent to the issue of the exchange compensation allowance rules promulgated with this Department's Resolution of 31st May 1897, No. 2422-Ex., is governed by No. IV of those rules, which requires, as a condition of eligibility for exchange compensation allowance, the grant of a certificate which must be withheld from any one who is qualified for appointment under 33 Vict., Cap. 3, section 6. In determining whether a certificate should be withheld on this ground, Local Governments will bear in mind the principles enunciated in paragraphs 3 and 4 of the present Resolution.

6. Cases already referred to the Government of India and now pending will be disposed of by them; but all other cases should be dealt with by Local Governments under the above instructions. In any case coming before it, which the Local Government considers doubtful either in regard to the personal or the official eligibility of the claimant, reference will be made direct to the Government of India in the Finance and Commerce Department. It is hoped, however, that the present instructions will greatly diminish the number of such references.

7. Where a Local Government has decided that an officer is not a Statutory native for the purposes of the new exchange compensation allowance rules and does not consider a reference to the Government of India to be required, audit officers will accept the decision as final.

8. Departments of the Government of India other than the Financial Department will exercise the powers of Local Governments under the Resolution in the case of officers serving directly under them.

ORDER.—Ordered, that the foregoing Resolution be published in the *Gazette of India*, and that it be circulated to all Local Governments and Administrations; to Departments of the Government of India; to the Private Secretary to His Excellency the Viceroy ; to Heads of Departments subordinate to the Financial Department; to the Comptroller and Auditor-General; and to all Accountants-General and Comptrollers.

J. F. FINLAY,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 8, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNN 3RD, 1899.

INDIAN EMPIRE.

NOTIFICATION.

Simla, the 3rd June, 1899.

No. 15-*I.-E.*—His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that Her Majesty the QUEEN, EMPRESS OF INDIA, has been graciously pleased to make the following appointments to the said Order:

To be Companions.

* * * * * * * *

Captain FRANK POPHAM YOUNG, Indian Staff Corps, Assistant Commissioner, Punjab, and Colonization Officer, Chenab Canal.

* * * * * * * *

By Order of the Grand Master,

H. S. BARNES,

for *Secretary to the Most Eminent Order of the Indian Empire.*

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 3rd June, 1899.

No. 1455-*I.-A.*—Her Majesty the QUEEN, EMPRESS OF INDIA, has been pleased to confer the honor of Knighthood on—

* * * * * * * *

JOSEPH FRIZELLE, Esquire, Indian Civil Service (Retired), lately Chief Judge of the Chief Court of the Punjab.

* * * * * * * *

No. 1460-*I.-A.*— * * * * * *

His Excellency the Viceroy and Governor-General is pleased to confer the title of Khán Bahádur as a personal distinction upon—

* * * * * * * *

Siyaid Shah, District Overseer, Kurram.

Siyaid Hassan Baksh, Vice-President of the Municipal Committee of Mooltan in the Punjab.

Malik Muhammad Khán, Tiwána, Honorary Magistrate of Shahpur in the Punjab.

* * * * * * * *

No. 1462-*I.-A.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rái Bahádur as a personal distinction upon—

Rái Sahib Bhya Mull, of Pesháwar.

* * * * * * * *

Pandit Bálkishen, Inspector of Vaccination and Registration in Kángra in the Punjab.

Lála Rajjan Lál, Executive Engineer in the Irrigation Department of the Punjab.

* * * * a * * *

No. 1463-*I.-A.*— * * * * * *

His Excellency the Viceroy and Governor-General is pleased to confer the title of Khán Sahib as a personal distinction upon—

Mir Abbás Khán, Shahbazurg Khel of Bannu in the Punjab.

Haji Kalandar Khán, Gandapur of Madi, Dera Ismail Khan District.

* * * * * * * *

Malik Amír Baksh, Inspector of Police, Hazára, in the Punjab.

* * * * * * * *

No. 1465-*I.-A.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rái Sáhib as a personal distinction upon—

* * * * * * * *

Lála Bishan Dás, Personal Assistant to the Manager, North-Western Railway.

Bábu Nand Rám, retired Tahsíldár in the Punjab.

Lála Maya Dás, Salmi, Pleader and Member of the Municipal Committee of Ráwalpindi in the Punjab.

H. S. BARNES,

Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATION.

MEDICAL.

Simla, the 2nd June 1899.

No. 969.—The services of Captain A. E. Roberts, M. B., I. M. S. (Bengal), are placed temporarily at the disposal of the Government of the Punjab for employment on plague duty, with effect from the 12th May 1899.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 30th May, 1899.

No. 880 *G.*—The undermentioned officer has been selected as a probationer for the Political Department of the Government of India and is temporarily attached to the Punjab Commission, as a supernumerary Assistant Commissioner, with effect from the date on which he assumes charge of his duties:

Lieutenant H. B. St. John, Indian Staff Corps.

The 1st June, 1899.

No. 896 *G.*—Mr. A. D. St. C. Barr, an Assistant District Superintendent of Police in the Punjab, is appointed to be an Assistant Commissioner of the 3rd Class in the Hyderabad Assigned Districts, with effect from the 11th May, 1899.

H. S. BARNES,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 2nd June, 1899.

RETIREMENTS.

No. 610.—The undermentioned officers of the Indian Medical Service have been permitted by the Secretary of State for India to retire from the service, with effect from the dates specified, subject to Her Majesty's approval:

* * * * * * * *

Major Louis Tarleton Young, M. D., Bengal Establishment,—29th April 1899. (G. G. O. No. 454 of 1899 is cancelled).

VOLUNTEER CORPS APPOINTMENTS, PROMOTIONS, AND RESIGNATIONS.

No. 614.—*1st Punjab Volunteer Rifles*—

Major George Frederick William Braide, Indian Medical Service, resigns his commission.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED JUNE 3RD, 1899.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ADDITIONS TO THE RULES FOR THE REGULATION OF APPOINTMENTS IN THE SECRETARIAT CLERICAL SERVICE OF THE GOVERNMENT OF INDIA AND ATTACHED OFFICES.

NOS. 329—40.

Extract from the Proceedings of the Government of India, in the Home Department (Examinations), under date Simla, the 2nd June, 1899.

Read again—

Home Department Resolution No. $\frac{2 \text{ Examinations}}{188-189}$, dated the 5th June 1894.

Read also—

Home Department Resolution Nos. 186—187, dated the 30th April 1897.

RESOLUTION.

THE Governor-General in Council is pleased to direct that the following additions be made to the rules for the regulation of appointments in the Secretariat Clerical Service of the Government of India and attached offices:

After Rule 9 (2) add:

(3) "If the candidate is employed under Government, a certificate by the Head of the Office or Department to the effect that, in his opinion, there is no objection to the candidate appearing at the ensuing Clerkship Examination.

(4) "A statement whether the candidate has appeared at any previous Clerkship Examination, and if so, in what year."

ORDER.—Ordered, that a copy of the above Resolution be forwarded for information to the Departments of the Government of India (except the Foreign Department) and to the Heads of Offices under the Home Department marginally noted; that a copy be forwarded to the Governments of Bengal, the North-Western Provinces and Oudh and the Punjab for information; that a copy be also forwarded to the Secretary to the Board of Examiners; and that the Resolution be published in the *Gazette of India* for general information.

The Director-General, Indian Medical Service.
The Sanitary Commissioner with the Government of India.

[True Extract.]

A. H. L. FRASER,

Offg. Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 15, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 10TH, 1899.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 9th June, 1899.

No. 13.—In exercise of the power conferred by Section 17 of the Indian Councils Act, 1861 (24 and 25 Vict., Cap. 67), the Governor-General in Council is pleased to appoint Friday, the 23rd June, 1899, at 11 A.M., as the time, and the Council Chamber in the Viceregal Lodge, Simla, as the place, for a meeting of the Council of the Governor-General for the purpose of making Laws and Regulations.

J. M. MACPHERSON,

Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Simla, the 5th June, 1899.

No. 1168.—In exercise of the powers conferred by section 11 of the Indian Arms Act, 1878 (XI of 1878), the Governor-General in Council is pleased to direct that the following modifications shall be made in the rules published with the Notification of the Government of India in the Home Department, No. 518, dated the 6th March, 1879, namely, in line 2 of Rule VI—15 after the words "without fee" the words "and shall be valid for five years" shall be added, and in column 5 of Form X appended to the said rules for the words and figures "from the of 189 , to the 31st Dece- ber, 189 ," the words and figures "for five years from the of " shall be sub

A. H. L. FRAS

Offg. Secretary to th

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

SALARIES, ESTABLISHMENTS, ETC.

COMPENSATION.

Simla, the 5th June, 1899.

No. 2556-*Ex*.

RESOLUTION—By the Government of India, Finance and Commerce Department.

Read—

Resolution by the Government of India, Finance and Commerce Department, No. 4847 *Ex.*, dated the 5th November, 1898, promulgating orders as to what are the appointments by virtue of holding which an officer, *appointed in India*, not being a statutory native, becomes entitled to Exchange Compensation Allowance.

Despatch to Her Majesty's Secretary of State for India, No. 8, dated the 5th January, 1899.

Despatch from Her Majesty's Secretary of State for India, No. 79 (Financial), dated the 27th April, 1899.

RESOLUTION.—Orders were reserved in the Resolution of 5th November, 1898, in regard to the eligibility for Exchange Compensation Allowance of the following officers and appointments recruited in India :—

(1) European and Eurasian Engineers appointed from the Indian Colleges before recruitment from those Colleges was limited to statutory natives.

(2) European and Eurasian Engineers appointed direct before recruitment was limited to officers sent out from England and officers appointed from the Indian Colleges.

This category includes a few officers appointed after passing the direct examination of the Thomason College.

(3) Non-military Upper Subordinate Establishment of Sub-Engineers, Supervisors and Overseers employed in the Public Works Department and in the Military Works Department.

NOTE.—This category includes pensionable subordinates of the same class in the Railway Branch, not belonging to any of the classes of Railway *employés* referred to in paragraph 4 of the Resolution of 5th Nevember 1898.

(4) Subordinate Account establishments of the Public Works and Military Departments and officers promoted therefrom to the superior branch of the same establishments.

(5) Examinership of Marine Accounts.

(6) Civilian overseers at the Remount Depôts.

(7) Clerical and ministerial appointments in Government offices other than those which are admitted in paragraphs 36, 37 and 38 of the Resolution of 5th November 1898.

2. Under instructions from the Secretary of State, His Excellency the Governor-General in Council is now pleased to pass the following orders in regard to each of the classes of officers and appointments above specified :—

(*a*) Engineer officers of the classes specified are eligible and may be admitted to Exchange Compensation Allowance if not personally debarred as statutory natives of India.

(b) It is the declared policy of the Government that the non-military Upper Subordinate establishments referred to in clause (3) of paragraph 1 should be filled with persons born and brought up in India. Exchange Compensation Allowance will not, therefore, be issued to persons appointed to that establishment after 31st March 1897. The allowance may, however, be granted, as a special concession, to those who were members of it on that date, and are personally qualified.

(c) The Subordinate Account establishments of the Public Works and Military Departments are not establishments in which a proportion of Europeans is indispensable, and members of these establishments are therefore not eligible for Exchange Compensation Allowance.

The Superior Branches of these establishments are officered by systems intended to secure a considerable European element, and those who have not been admitted through such channels cannot be held to have been appointed as Europeans. Officers promoted from the subordinate grades are therefore not eligible. As a special concession, however, the few officers in the Public Works Accounts Department who were promoted to the Superior Establishment before 1st January 1893 may be treated as eligible if personally qualified.

(d) The Examinership of Marine Accounts cannot be classed as an appointment which should in itself carry Exchange Compensation Allowance. But an officer selected for the appointment from the Royal Navy or Royal Indian Marine or from the eligible grades of any of the Accounts Departments will be eligible if otherwise qualified.

(e) The duties of civilian overseers at the Remount Depôts are not of such a character as to require such European qualifications as cannot be found among statutory natives of India. They cannot, therefore, be regarded as eligible for Exchange Compensation Allowance.

(f) The duties of clerical and ministerial appointments generally are such as can be discharged by native agency, pure and statutory, and no claim can be recognised on behalf of the few Europeans, not being statutory natives, in clerical and ministerial employ who are not eligible under paragraphs 36, 37 and 38 of the Resolution of 5th November 1898.

3. It should be clearly understood that these orders merely supplement those contained in the Resolution of 5th November 1898 and are subject to the condition laid down in the latter part of paragraph 1 thereof that they do not render a person appointed in India eligible for the allowance, if he is a *native of India* within the definition of that term in Statute 33 Vict., cap. 3, section 6.

ORDER.—Ordered that the foregoing Resolution be published in the *Gazette of India* and that it be circulated to all Local Governments and Administrations; to Departments of the Government of India; to the Private Secretary to His Excellency the Viceroy; to Heads of Departments subordinate to the Financial Department; to the Comptroller and Auditor General; and to all Accountant Generals and Comptrollers.

STATISTICS AND COMMERCE.

CUSTOMS.

The 9th June 1899.

No. 2635-S.R.—In exercise of the power conferred by sub-section (2), of Section 8-A of the Indian Tariff Act, 1894 (VIII of 1894 as amended by Acts III of 1896 and XIV of 1899), and in supersession of the rates of additional duty on sugar mentioned against Belgium in the notification in the Finance and Commerce Department, No. 1327-S.R., dated

the 20th March, 1899, the Governor-General in Council is pleased to declare that the rates shall be reduced as follows, with effect from the 1st of June 1899:—

For

Kinds of sugar.	Bounties bestowed.	Additional duties to be levied.
		Per cwt.
		Rs. A. P.
Raw sugar	4·50 francs per 100 kilograms	1 6 0
Refined sugar	5 36 francs per 100 kilograms	1 10 0

Read

Kinds of sugar.	Bounties bestowed.	Additional duties to be levied.
		Per cwt.
		Rs. A. P.
Raw sugar	4·05 francs per 100 kilograms	1 4 0
Refined sugar	4·60 francs per 100 kilograms	1 6 0

J. F. FINLAY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 9th June, 1899.

LONDON GAZETTE.

No. 626.—The following extracts are published for general information:—

* * * * * * * *

INDIA OFFICE:
16th May, 1899.

* * * * * * * *

The Queen has also approved of the retirement from the service of the undermentioned officers:

INDIAN MEDICAL SERVICE.

Major Louis Tarleton Young, M. D., Bengal Establishment. Dated 29th April 1899.

* * * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS, RETIREMENTS AND RESIGNATIONS.

No. 645.—*Punjab Light Horse.*—Captain Sidney Maddock Robinson resigns his commission.

Lieutenant Henry Thomas Pease to be Captain, *vice* Robinson, resigned.

No. 648.—*1st Punjab Volunteer Rifles.*—Captain Frederick James Raynor to be Honorary Major.

Second-Lieutenant Lancelot Colin Glascock resigns his commission.

No. 653.—*North-Western Railway Volunteer Rifles*—

The following appointments are made, with effect from the 13th February 1899:—

Walter Richard Pearce, Gentleman, to be Second-Lieutenant, *vice* Henderson, promoted.

Fred Hudson Miles, Gentleman, to be Second-Lieutenant, *vice* Millard, promoted.

Ernest Bruce Beatson, Gentleman, to be Second-Lieutenant, *vice* Stapleton, promoted.

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 22, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 3RD, 1899.

HOME DEPARTMENT.

NOTIFICATION.

JUDICIAL.

[First publication.]

Simla, the 2nd June, 1899.

No. 809.—The following draft of a Notification, which it is proposed to issue in exercise of the powers conferred by sections 22 and 8 of the Petroleum Act, 1899 (VIII of 1899), is published for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Governor-General in Council on or after the 1st July 1899.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date aforesaid will be considered by the Governor-General in Council:

Draft notification.

In exercise of the powers conferred by section 22 of the Indian Petroleum Act, 1899 (VIII of 1899), the Governor-General in Council is pleased to apply to carbide of calcium the provisions of sections 5, 6, 8 to 10, 12 to 18, 23 and 24 of the said Act, and to fix 5 lbs. as the limit of the quantity of carbide of calcium which, under section 5 of the said Act as applied by this Notification, may not be imported, transported, or kept without a license, and to fix 5 lbs. as the limit of the quantity of carbide of calcium which, under section 6 of the said Act, may be transported, or kept by any one person, or on the same premises, without a license.

In exercise of the powers conferred by section 8 of the said Act the Governor-General in Council is further pleased to make the following rules:

1. Carbide of calcium kept or transported without a license, under section 6 of the said Act, as applied by this Notification, shall be kept in separate substantial hermetically closed metal vessels containing not more than 1 lb. each.

2. Carbide of calcium (*a*) which is imported or is kept at any place after seven days from the date of its importation, or (*b*) which is transported, or (*c*) which is sold or exposed for sale, shall be contained in hermetically closed metal vessels, having attached thereto labels in conspicuous characters stating the description of the carbide of calcium with the addition of the words "Dangerous if not kept dry and liable, if brought into contact with moisture, to give off a highly inflammable gas" and with the addition (*d*) in the case of a vessel kept, of the name and address of the consignee or owner; (*e*) in the case of a vessel transported, of the name and address of the sender; and (*f*) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED JUNE 3RD, 1899.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

Extract from the Proceedings of the Government of India, Department of Revenue and Agriculture, No. 21 (Inventions and Designs), dat d 30th May 1899.

READ—

The appended Report by the Secretary under the Inventions and Designs Act V of 1888 on the working of his office during the calendar year 1898.

RESOLUTION.

Ordered that the report be published for general information in the supplement to the *Gazette of India*, and forwarded to the Legislative Department, and to all Local Governments and Administrations.

[True Extract.]
M. FINUCANE,
Offg. Secretary to the Government of India.

No. 1557 P., dated Calcutta, 18th May 1899.

From—S. C. HILL, Esquire, Offg. Secretary under the Inventions and Designs Act,

To—The Secretary to the Government of India, Department of Revenue and Agriculture.

I HAVE the honor to submit, for the information of the Government of India, the the following summary of proceedings in 1898 under the Invensions and Designs Act, of 1888.

2. During the year under report Mr. A. T. Pringle continued to officiate in the office of Secretary under the Act until the 21st October 1898 when Mr. G. W. Forrest, the permanent incumbent, returned from furlough and resumed charge of his duties.

3. It is satisfactory to note that the applications for exclusive privileges showed a marked increase having numbered four hundred and eighty-one as against four hundred and fifty-one in the previous year and four hundred and sixty in 1896. Of these one hundred and seventy-one related to inventions by persons resident in British India (forty-five being inventions by natives of the country). There was an increase of two in the class last named and a fair increase also in the number of applications received from Europe, Australia and America—three hundred and ten as against two hundred and ninety-four in the previous year. Thirty-one related to bicycles and similar vehicles, twenty-eight to railways, nineteen to linotype machinery, sixteen to the treatment of fibres, as many to lamps and burners, eleven to punkahs, and ten to the tea-trade.

4. Eighty-three applications of 1897 were pending on the first day of the year. Of these five were abandoned, as many rejected, and leave to file specifications was accorded in the case of the remainder.

With regard to the applications of the year under report, leave was granted in three hundred and seventy-four instances, thirteen applications were rejected, twelve were treated as abandoned, and eighty-two—of which twenty-five were in the hands of experts—were pending on the 31st December 1898.

5. The references to paid and departmental experts fell from ninety-four in 1897 to sixty-six in the year under report. Fees were required in ten cases.

6. Four hundred and nine specifications, or seventeen more than in the previous year, were filed.

7. Three hundred and eight exclusive privileges were kept alive by payment of the prescribed fees as against two hundred and fifty-one in 1897, and two hundred and thirty-six in 1896.

8. Two hundred and fifty-eight privileges ceased during the year.

9. The applications for registering copyright in designs declined from nineteen to sixteen. Of these eight were rejected, one was abandoned and one was pending at the end of the year.

10. The gross revenue rose from Rs. 31,032 to Rs. 36,303. This sum was principally derived from fees paid for the continuance of privileges and for filing specifications.

11. During the year under report, eleven models were deposited in the Museum.

12. The usual statistics are appended.

Statement showing the proceedings under the Inventions and Designs Act of 1888 *during the year* 1898 *as compared with the years* 1897 *and* 1896.

	1898.	1897.	1896.
I.—Applications under Part I of the Act for leave to file a specification.			
Number of applications received	481	451	460
(*a*) Granted	374	349	308
(*b*) Rejected	13	18	21
(*c*) Pending	82	83	119
(*d*) Abandoned	12	1	12
II.—Applications from residents in India and from other persons.			
Number of applications from residents in India	171	157	173
(*a*) Natives of India	45	43	49
(*b*) Anglo-Indians	126	114	124
Number of applications from other persons	310	294	287
III.—Reference to experts.			
Number of applications referred to experts	66	94	107
(*a*) On payment of fees	10	15	22
(*b*) Without payment of fee	56	79	85
IV.—Specifications.			
Number of specifications filed	409	392	312
V.—Applications under Part II for copyright in a design.			
Number of applications for the registration of designs ...	16	19	27
" designs registered	6	12	13
" " rejected	8	5	10
" " pending	1	1	3
" " abandoned...	1	1	1
VI.—Cases involving points of law.			
Number of cases referred to law officers	1	5	...
VII.—Privileges kept alive by payment of the prescribed fees.			
Number of cases in which exclusive privilege was kept alive ...	308	251	236
(*a*) Under clause 4 (*a*) of the fourth schedule	102	71	92
(*b*) For the fifth year	52	56	60
(*c*) " sixth "	48	42	32
(*d*) " seventh "	39	35	38
(*e*) " eighth "	28	37	14
(*f*) " ninth "	32	10	...
(*g*) " tenth "	7	...	...
VIII.—Applications for extension of privileges.			
Number of applications received	...	2	1
Number of applications granted	...	1	1
IX.—Privileges lapsed.			
Number of cases in which exclusive privileges ceased through non-payment of	258	223	226
(*a*) The fee prescribed in clause 4 (*a*) of the 4th schedule ...	205	174	201
(*b*) The fifth year's renewal fee	22	34	11
(*c*) The sixth " "	14	9	9
(*d*) The seventh " "	7	4	5
(*e*) The eighth " "	1	2	...
(*f*) The ninth " "	9	...	...

Statement showing the proceedings under the Inventions and Designs Act of 1888 *during the year* 1898 *as compared with the years* 1897 *and* 1896—continued.

	1898.	1897.	1896.
X.—Income from fees.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Applications under sections 5 and 15	4,820 0 0	4,700 0 0	4,650 0 0
Specifications	12,300 0 0	11,760 0 0	9,360 0 0
Extension of time	590 0 0	640 0 0	510 0 0
Continuance of exclusive privilege	17,400 0 0	13,050 0 0	11,950 0 0
Application under Section 51	160 0 0	190 0 0	270 0 0
Inspection	79 0 0	80 0 0	117 0 0
Copying...	662 1 0	302 10 0	482 15 0
Drawings	272 8 0	199 8 0	275 8 0
Amendment of specifications	20 0 0	60 0 0	20 0 0
Petition under Section 43	...	50 0 0	...
Total ...	36,303 9 0	31,032 2 0	27,635 7 0
Refunds ...	140 0 0	135 0 0	174 2 0
Net total Income ...	36,163 9 0	30,897 2 0	27,461 5 0

FROM THE "GAZETTE OF INDIA," DATED JUNE 17TH, 1899.

DEPARTMENT OF REVENUE AND AGRICULTURE

NOTIFICATION.

FORESTS.

Simla, the 14*th June,* 1899.

No. 549 *F.*—The following transfers have been ordered in the interests of the publi service:—

(1) Mr. C. Somers-Smith, Deputy Conservator of Forests, Punjab—to th Central Provinces.

* * * * * * * *

M. FINUCANE,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 13th June, 1899.

No 951 *G.*—The undermentioned officers have been selected as probationers for the Political Department of the Government of India, and are temporarily attached to the Punjab Commission, as Supernumerary Assistant Commissioners, with effect from the date on which they assume charge of their duties :

Lieutenant J. H. K. Stewart, Indian Staff Corps.

Lieutenant C. A. Smith, Indian Staff Corps.

H. S. BARNES,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

ACCOUNTS AND FINANCE.

PUBLIC DEBT.

Simla, the 15th June, 1899.

No. 270.—Whereas by the terms of the Notification No. 2005, dated the 12th of August 1878, Promissory Notes or Loan Certificates of the seven shillings sterling per cent. portion of the Transfer Loan of 1879 can be paid off and discharged at any time on or after the 15th of September 1893 on the expiration of a previous notice of three months to that effect, which notice may be given at any time on or after the 15th of June 1893 :

And whereas the amount of the said Promissory Notes and Loan Certificates now outstanding is two lakhs and twenty-three thousand rupees (Rs. 2,23,000) ;

And whereas by the terms of the said Notification the said Promissory Notes and Loan Certificates can be discharged by the payment of the equivalent in rupees of eight pounds fifteen shillings sterling for each hundred rupees of their amount, the said equivalent being calculated at the rate of exchange fixed by the Secretary of State for India in Council, with the concurrence of the Lords Commissioners of the Imperial Treasury, for the adjustment of transactions between the Indian and Imperial Governments at the date of the expiry of the notice of the discharge of the Notes and Certificates as aforesaid ;

And whereas the Governor-General in Council has determined to pay off the said Promissory Notes and Loan Certificates on the 15th of September 1899 ;

And whereas by the terms of the Notification No. 1487-A., dated the 7th of April, 1890, the rate of exchange for the adjustment of transactions between the Indian and Imperial Governments for the official year 1899-1900 has been fixed by the Secretary of State for India in Council, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, at 1*s.* 4*d.* the rupee, and the equivalent of eight pounds fifteen shillings at this rate is rupees one hundred and thirty-one and annas four only :

2. Notice is hereby given that, on the 15th day of September 1899, all the Notes (or Stock Certificates issued in lieu thereof) and Loan Certificates of the seven shillings sterling per cent. portion of the Transfer Loan of 1879 aforesaid will be paid off at the Public Debt Office, Bank of Bengal, Calcutta, at the rate of rupees one hundred and thirty-one and annas four only for each hundred rupees of their amount ; and that from the said 15th day of September 1899 interest on the said Promissory Notes (or Stock Certificates) and Loan Certificates will cease.

3. Promissory Notes and Certificates hereby notified for discharge will be received at the Public Debt Office, Bank of Bengal, Calcutta, from and after the 11th of September 1899, and will be discharged in full together with interest up to the 14th of September 1899, inclusive, as soon as they can be examined and passed for payment.

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 16th June, 1899.

LONDON GAZETTE.

No. 665.—The following extracts are published for general information:

"*London Gazette,*" *dated the 23rd May 1899, page* 3257.

WAR OFFICE;

Pall Mall, 23rd May 1899.

* * * * * * *

Indian Staff Corps.—Lieutenant-Colonel Albert deC. Rennick is transferred to the unemployed supernumerary list. Dated 2nd May 1899.

* * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS, AND RETIREMENTS.

No. 674.—*1st Punjab Volunteer Rifles*—

Neville Edward Fairweather, Gentleman, to be Second-Lieutenant, *vice* Glascock, resigned.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATIONS.

Simla, the 9th June, 1899.

No. 30.—The services of Military Assistant Surgeon R. T. Rodgers are placed a the disposal of the Government of the Punjab.

The 12th June, 1899.

No. 31.—Lála Gopál Dás, I. M. S., has been temporary appointed as 3rd Class Civil Assistant Surgeon on the Imperial Establishment, and his services have been placed at the disposal of the Government of the Punjab.

D. W. SPENCER, *M. D., Surgn.-Genl.,*

Offg. Director-General, Indian Medical Service.

NORTHERN INDIA SALT REVENUE DEPARTMENT.

NOTIFICATION.

Agra, the 10th June 1899.

No. 55.—Mr. A. M. S. Carter, Superintendent, Kohát Salt Mines, is granted privilege leave for two months and twenty-four days under Article 291 of the Civil Service Regulations.

R. M. DANE,

Commissioner, N. I. Salt Revenue Dept.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 29, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 3RD, 1899.

HOME DEPARTMENT.

NOTIFICATION.

JUDICIAL.

[Second publication.]

Simla, the 2nd June, 1899.

No. 809.—The following draft of a Notification, which it is proposed to issue in exercise of the powers conferred by sections 22 and 8 of the Petroleum Act, 1899 (VIII of 1899), is published for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Governor-General in Council on or after the 1st July 1899.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date aforesaid will be considered by the Governor-General in Council:

Draft Notification.

In exercise of the powers conferred by section 22 of the Indian Petroleum Act, 1899 (VIII of 1899), the Governor-General in Council is pleased to apply to carbide of calcium the provisions of sections 5, 6, 8 to 10, 12 to 18, 23 and 24 of the said Act, and to fix 5 lbs. as the limit of the quantity of carbide of calcium which, under section 5 of the said Act as applied by this Notification, may not be imported, transported, or kept without a license, and to fix 5 lbs. as the limit of the quantity of carbide of calcium which, under section 6 of the said Act, may be transported, or kept by any one person, or on the same premises, without a license.

In exercise of the powers conferred by section 8 of the said Act the Governor-General in Council is further pleased to make the following rules:

1. Carbide of calcium kept or transported without a license, under section 6 of the said Act, as applied by this Notification, shall be kept in separate substantial hermetically closed metal vessels containing not more than 1 lb. each.

2. Carbide of calcium (*a*) which is imported or is kept at any place after seven days from the date of its importation, or (*b*) which is transported, or (*c*) which is sold or exposed for sale, shall be contained in hermetically closed metal vessels, having attached thereto labels in conspicuous characters stating the description of the carbide of calcium with the addition of the words "Dangerous if not kept dry and liable, if brought into contact with moisture, to give off a highly inflammable gas," and with the addition (*d*) in the case of a vessel kept, of the name and address of the consignee or owner; (*e*) in the case of a vessel transported, of the name and address of the sender; and (*f*) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED JUNE 24TH, 1899.

MILITARY DEPARTMENT.

Simla, the 23rd June, 1899.

CANTONMENTS.

No. 686.—In exercise of the powers conferred by sections 26 and 27 of the Cantonments Act, 1889 (XIII of 1889), the Governor-General in Council is pleased to declare that the following rules shall come into force in the Kalabagh Cantonment on, and with effect from the 1st day of July 1899, and shall remain in force therein till the 1st day of October 1899, but no longer:

1. In these rules—

(1) "Executive Engineer" means the Military Works officer having charge of the military works in the cantonment; and

(2) "Sanitary Officer" means where no sanitary officer has been specially appointed the senior executive medical officer in military employ present on duty in the cantonment.

2. No person shall, within the limits of the cantonment,—

(*a*) ease himself in any street or public place, or

(*b*) being engaged in the removal of night-soil or other offensive matter or rubbish, neglect to sweep away or otherwise effectually remove any portion thereof, that may spill or fall on to any public place, or

(*c*) without proper authority remove, destroy, deface, or otherwise obliterate any notice or other document put up or exhibited under these rules, or

(*d*) deposit or permit his servant to deposit any offensive matter or rubbish in any place not intended for the purpose on any public place or waste or unoccupied land in the cantonment.

3. The sanitary officer shall exercise a general sanitary supervision over the whole cantonment and shall report every insanitary practice and every insanitary condition of things, whenever or wherever existing therein, to the commanding officer of the cantonment.

4. No person shall—

(*a*) bathe in any source of public water-supply which is used for drinking purposes, or

(*b*) wash or cleanse therein any clothes, wool, cloth, leather, skin, utensil or other thing, or

(*c*) throw or allow to flow thereinto any offensive matter or rubbish, or

(*d*) cause or allow the water of any sink, drain or any other filthy or polluted water belonging to him or under his control to flow thereinto, or

(*e*) do any other act whereby the water thereof is polluted or is likely to be polluted.

5. No person shall—

(*a*) bathe, or

(*b*) wash any animal or any clothes, wool, cloth, leather, skin, utensil or other thing, by the side of any public spring or reservoir or tank in such a manner as to pollute the water thereof.

6. No person shall throw a corpse into any source of public water-supply.

7. No person shall, without the written permission of the cantonment authority,—

(*a*) place any latrine, urinal, cesspool or drain, or

(*b*) use for the deposit of offensive matter or rubbish any place,

within fifty feet of any source of public water-supply.

8. Any member of the police force employed in the cantonment may, without a warrant, arrest any person committing in his view a breach of any of these rules:

Provided as follows:

(*a*) No member of such police force shall arrest any person without a warrant for committing a breach of any rule specified herein unless—

(*i*) the name and address of such person are unknown to him, and

(*ii*) such person declines to give his name and address or there is reason to doubt the accuracy of the name or address given by him.

(*b*) No person arrested without a warrant under this rule shall be detained after his name and address have been correctly acertained.

(*c*) No person arrested under this rule shall, except under the order of a magistrate, be detained longer than may be necessary for bringing him before a magistrate.

(*d*) The person so arrested shall be taken to the nearest magistrate or police station, there to be released on bail or personal recognizance pending the trial of the case.

9. Whoever commits a breach of any of these rules shall be punishable with fine not exceeding Rs. 50, or with rigorous or simple imprisonment for a term not exceeding three months, or with both.

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 24th June, 1899.

No. 32.—The services of the undermentioned Military Assistant Surgeons, Bengal, are placed at the disposal of the Government of the Punjab:—

W. C. M. Charters.

L. A. H. Clerke.

D. W. SPENCER, *M. D., Surgn.-Genl.,*
Offg. Director-General, Indian Medical Service.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JULY 6, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 3RD, 1899.

HOME DEPARTMENT.

NOTIFICATION.

JUDICIAL.

[Third publication.]

Simla, the 2nd June, 1899.

No. 809.—The following draft of a Notification, which it is proposed to issue in exercise of the powers conferred by sections 22 and 8 of the Petroleum Act, 1899 (VIII of 1899), is published for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Governor-General in Council on or after the 1st July 1899.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date aforesaid will be considered by the Governor-General in Council:

Draft Notification.

In exercise of the powers conferred by section 22 of the Indian Petroleum Act, 1899 (VIII of 1899), the Governor-General in Council is pleased to apply to carbide of calcium the provisions of sections 5, 6, 8 to 10, 12 to 18, 23 and 24 of the said Act, and to fix 5 lbs. as the limit of the quantity of carbide of calcium which, under section 5 of the said Act as applied by this Notification, may not be imported, transported, or kept without a license, and to fix 5 lbs. as the limit of the quantity of carbide of calcium which, under section 6 of the said Act, may be transported, or kept by any one person, or on the same premises, without a license.

In exercise of the powers conferred by section 8 of the said Act the Governor-General in Council is further pleased to make the following rules :

1. Carbide of calcium kept or transported without a license, under section 6 of the said Act, as applied by this Notification, shall be kept in separate substantial hermetically closed metal vessels containing not more than 1 lb. each.

2. Carbide of calcium (*a*) which is imported or is kept at any place after seven days from the date of its importation, or (*b*) which is transported, or (*c*) which is sold or exposed for sale, shall be contained in hermetically closed metal vessels, having attached thereto labels in conspicuous characters stating the description of the carbide of calcium with the addition of the words "Dangerous if not kept dry and liable, if brought into contact with moisture, to give off a highly inflammable gas," and with the addition (*d*) in the case of a vessel kept, of the name and address of the consignee or owner; (*e*) in the case of a vessel transported, of the name and address of the sender; and (*f*) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED JULY 1ST, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 30th June, 1899.

No. 1403.—In accordance with the provisions of section 18, sub-section (1), of the Indian Explosives Act, 1884 (IV of 1884), and with the directions contained in the Notification of the Government of India in the Home Department, No. 1964, dated the 2nd September, 1887, the Governor-General in Council is pleased to publish, for general information, the following draft of a proviso which it is proposed to add to Rule 2—III (*e*) cf the rules to regulate the transport and importation of explosives published with the Notification of the Government of India in the Home Department, No 1393, dated the 8th July 1897.

The draft will be taken into consideration after the 15th of August 1899.

DRAFT.

"Provided that, in the case of detonators, the following further rules shall also be observed, namely :

(*a*) The detonators, and the spaces between the same and between the same and the sides of the inner package, shall all be filled, as far as practicable, with fine sawdust or other similar material. A layer of cotton wool or other soft elastic material shall be placed between both ends of all the detonators and the interior of the inner package in which the same are placed, in such manner and so secured that both ends of the detonators will rest upon the said cotton wool or other material. Every inner package, if of metal, shall be lined throughout with paper or other soft material.

(*b*) Where the number of detonators packed for conveyance exceeds in all one thousand (1,000), or such greater number as may from time to time be assigned with the consent of, and under conditions approved by, an Inspector of Explosives, all the inner packages as aforesaid shall be placed inside a substantial case of wood or metal, made and closed so as to prevent any of the inner packages escaping therefrom, and the case shall be placed inside such outer package as is required by the above general rule relating to the packing for conveyance of explosives of the 3rd division of the 6th (ammunition) class, in such manner and so secured as to leave a clear space of not less than three inches between every part of the interior of the said outer package, notwithstanding that such clear space may, if preferred, be filled with sawdust, straw, or other similar material, or may contain a light framework or battens of wood to keep the case aforesaid in position in the outer package."

ECCLESIASTICAL.

The 30th June, 1899.

No. 275.—The following rule is to be substituted for Rule XX, Part I of the rules for the care and use of Government cemeteries, published in Home Department Notification No. 178, dated the 21st May 1897 :

Rule XX.—When a monument needs repairing, the officer in charge of the cemetery should communicate with the friends of the deceased, or when such communication is not possible, advertise three times in the *Gazette of India* and the Gazette of the Province; and if it falls into a ruinous condition, and no person will undertake to restore it, the monument shall be treated at the next repairs in such manner as the officer in charge of the cemetery may decide to be necessary for the maintenance of the cemetery in decent order, provided always that any inscribed slab or tablet which formed part of it shall be placed over the grave in simple masonry or be inserted in the wall of the cemetery and shall be carefully preserved.

Note—(1) This rule does not apply to monuments of historical or archæological interest. Lists of such tombs should be obtained by Local Governments and Administrations, and as many of them as may be properly preserved at the public expense should be looked after by the local Public Works Department.

(2) The cost of the advertisements in the Gazette is met by the Government.

(3) A person desiring to erect a monument over a grave is required to pay into the Treasury a sufficient sum of money to be invested in Government securities, so that the interest on it will be sufficient to cover the cost of repairs annually. The foregoing rules shall apply, *mutatis mutandis*, to railings round graves, which shall not be constructed until the requisite sum has been paid to cover the cost of repairs.

Explanation.—It is optional with a person proposing to erect a simple cross, head-stone or slab, consisting of a single stone over an adequate foundation, to pay the endowment fee for its maintenance and repairs. The optional endowment fee may be paid at any time after the erection of the stone. The State will defray the cost of keeping in repair simple crosses, head-stones or slabs erected by or over the graves of British soldiers and non-commissioned officers.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 29th June, 1899.

No. 1646-*F.*—Mr. D. Donald, Political Officer in the Khaibar, is granted privilege leave for two months, with effect from the 10th June, 1899.

H. S. BARNES,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

STATISTICS AND COMMERCE.

CUSTOMS.

Simla, the 27th June, 1899.

No. 2919-*S. R.*—In exercise of the powers conferred by sections 22 and 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to direct that the duty of five per cent. *ad valorem* leviable under No. 15 of Schedule IV of the Indian Tariff Act, 1894 (VIII of 1894), as amended by Acts XVI of 1894 and III of 1896, on tie-bars of iron or steel shall be reduced to one per cent. *ad valorem.*

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 30th June 1899.

LONDON GAZETTE.

No. 711.—The following extracts are published for general information:

"*Supplement to the London Gazette," dated the 2nd June* 1899, *pages* 3585 *and* 3586.

INDIA OFFICE;

3rd June, 1899.

* * * * * * * *

The Queen has been graciously pleased to nominate and appoint—

* * * * a * * *

Captain Frank Popham Young, Indian Staff Corps;

* * * * * * * *

to be Companions of the Most Eminent Order of the Indian Empire.

RETIREMENTS.

No. 719.—The undermentioned officers are permitted to retire from the service, with effect from the dates specified, subject to Her Maiesty's approval:

* * * * * * * *

Honorary Captain James Barker, Senior Assistant Surgeon, Indian Subordinate Medical Department, Bengal,—3rd March 1899.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 29th June, 1899.

No. 278.—The following is published for general information:

No. 139 A. E., dated Simla, the 17th June, 1899.

RESOLUTION—By the Government of India, Public Works Department.

Recruitment of the superior establishment of the Accounts Branch, Public Works Department.

Read again—

Public Works Department Resolution No. 36 A. E., dated 9th February 1893.

Read also the following correspondence between the Government of India and the Secretary of State:

Despatch to the Secretary of State, No. 324 (Financial), dated 4th November 1896.

Despatch from the Secretary of State, No. 104 (Financial), dated 17th June 1897.

RESOLUTION.—The Government of India, with the approval of the Secretary of State, are pleased to modify the system of recruitment of the Superior Accounts Branch of the Public Works Department which was laid down in the resolution quoted in the preamble, and to decide that this establishment shall be recruited partly in England and partly in India in the manner indicated below:

In England.—By the appointment of students selected by the Secretary of State from the Royal Indian Engineering College, Coopers Hill. The recruitment from this source is limited to 4-9ths of the vacancies to be filled.

In India.—(1) By the promotion of deserving subordinates to the extent of 3-9ths of the vacancies to be filled.

(2) By competitive examination of nominated candidates to the extent of 2-9ths of the vacancies to be filled.

The Government of India reserve the power, which they at present possess, of making special and exceptional appointments to the superior Accounts Establishment otherwise than in the manner described above.

2. The recruitment in India is restricted to Natives of India within the meaning of the Statute 33 Vict., Chapter 3, section 6. The definition in the Statute is:

"The words 'Native of India' shall include any person born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India, and not established there for temporary purposes only."

3. The following revised rules are now prescribed for the recruitment of candidates in India:

A.—When necessary, a notification will be issued in the *Gazette of India* about the end of November, stating the number of vacancies to be competed for at the next examination.

B.—Not less than three candidates shall be nominated for each vacancy, and only nominated candidates will be allowed to compete.

C.—Persons desiring to obtain nominations should apply, in their own handwriting, not later than the 15th January of each year, to the Accountant-General, Public Works Department, who is vested with an absolute discretion as to the nomination of candidates to compete at the examination.

D.—Applications from Natives of India, who are not possessed of high educational qualifications, will not be considered. Clear and distinct handwriting and a business familiarity with the English language are in any case indispensable.

E.—Each application must be accompanied by the following certificates:

(i) Certificate of age from the officer in charge of the District in which the applicant's family reside, or, if they reside in a Presidency Town or a Native State, from the Presidency Magistrate or Political Agent respectively. To obtain this certificate the date and place of the applicant's birth must be proved before the District Officer, Presidency Magistrate or Political Agent, as the case may be, by documentary evidence, supplemented, where this is not conclusive proof, by statements on oath, or solemn affirmation of relatives and others. In the case of Christians, a Baptismal certificate will take the place of the certificate mentioned above.

(ii) Certificate of physical fitness for the public service by a commissioned medical officer or by a medical officer in charge of a civil station.

(iii) Certificate that the applicant (if not a Native) is a Statutory Native of India as defined in paragraph 2 above.

(iv) Testimonials of good moral conduct from the instructor under whom the applicant has been educated, or from some employer or other superior under whom he has been employed, or brought up.

Note.—These testimonials should have special reference to conduct during the two years immediately preceding the date of application. Copies of all certificates should be sent with the originals.

F.—No candidate will be nominated whose age at the date of completion of the examination will be below 18 or above 23 years.

G.—The nominated candidates will be examined in the subjects described in the schedule to this resolution, and those who pass will, as a rule, be appointed Assistant Examiners, 3rd grade, on probation, in order of merit, and to the extent of the number of vacancies announced for competition. No candidate will be held to have passed the examination who obtains less than 650 marks in all, or less than half marks in mathematics.

H.—No candidate will be allowed to compete at the entrance examination more than twice, and then only on being re-nominated by the Accountant-General.

I.—The examination will be conducted by written questions and answers, the questions being prepared in such manner as His Excellency the Governor-General in Council may, from time to time, direct.

J.—The examination is held by the Principal, Thomason Civil Engineering College, Rurki, in June, and nominated candidates should apply to that officer to arrange the place at which they are to be examined, and should remit to him an examination fee of Rs. 32 which should reach him, together with their applications, not later than the 30th April. The second language, it is proposed to take up, should be stated in the application.

K.—A candidate may be examined at the Thomason Civil Engineering College, Rurki, or at the office of any Examiner of Public Works of Railway Accounts.

ORDER.—Ordered that this resolution be forwarded to the Local Governments and Administrations and Officers noted in the margin, for information, and that it be published in Part I of the *Gazette of India*.

The Governments of Madras, Bombry (General and Railway), Bengal, the North-Western Provinces and Oudh, Burma (General and Railway) and the Punjab.
The Chief Commissioners of the Central Provinces and Assam.
The Resident at Hyderabad.
The Agents to the Governor-General for Central India, Rajputana and Baluchistan.
The Director-General of Telegraphs.
The Consulting Engineers to the Government of India for Railways, Calcutta, Lucknow and Assam.
The Comptroller-General.

Also to the Department of Finance and Commerce for information.

Also to the Accountant-General, Public Works Department, for further necessary action.

Schedule.

EXAMINATION FOR ADMISSION TO THE SUPERIOR ESTABLISHMENT OF THE ACCOUNTS BRANCH OF THE PUBLIC WORKS DEPARTMENT.

Subjects for Examination.

	Marks.
Writing and Composition, impromptu essay upon some given subject ...	150
Arithmetic (no special text-book) and Euclid, Books I to IV and VI; also easy deductions	325
Algebra, including progressions, permutations and combinations, binomial theorem, and logarithms* (Text-book—Todhunter's Algebra) and Plane Trigonometry as far as properties of triangles (Text-book—Todhunter's Plane Trigonometry): Mensuration	325
Latin, Greek, Sanskrit, French, German, Arabic, Persian or Pali ...	200
English, History and Literature, and Indian History (Elementary) ...	200
Geography, Asia (especially India) and Europe	150
Total ...	1,350

* The use of tables will be allowed at the time of examination; with this exception no books are permitted in any of the papers.

F. R. UPCOTT,
Secretary to the Government of India.

The 29th June 1899.

No. 277.—The Governor-General in Council is pleased to order the following promotions to and in the classes of Chief and Superintending Engineers, with effect from the dates specified :—

Names.	From	To	Nature of promotion.	With effect from
				1899.
* *	* *	* *	* *	* *
Phelan, A. B. ...	Superintending Engineer, 2nd Class, sub. *pro tem.*	Superintending Engineer, 2nd Class.	Permanent ...	5th April.
* *	* *	* *	* *	* *
Field, G. M. R. ...	Superintending Engineer, 3rd Class.	Superintending Engineer, 2nd Class.	Temporary ...	9th April.
* *	* *	* *	* *	* *
Kennedy, R. G. ...	Superintending Engineer, 2nd Class, temporary rank.	Superintending Engineer, 2nd Class.	Sub. *pro tem.*	15th April.
* *	* *	* *	* *	* *
Phelan, A. B. ...	Superintending Engineer, 2nd Class.	Superintending Engineer, 1st Class.	Temporary ...	30th April.
* *	* *	* *	* *	* *

T. HIGHAM,

Joint Secretary to the Government of India.

[For Cantonment Code, 1899.—*Vide* Appendix.]

DIEU ET MON DROIT. HONI SOIT QUI MAL Y PENSE

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JULY 13 1899.

PART II.

Republications from the "Gazette of India."

Nil.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JULY 20, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JULY 1ST, 1899.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 29th June, 1899.

No. 277.—The Governor-General in Council is pleased to order the following promotions to and in the classes of Chief and Superintending Engineers, with effect from the dates specified :

Names.	From	To	Nature of promotion	With effect from	
				1899	
* * *	* * *	* * *	* * *	* *	*
Parkes, B. ...	Superintending Engineer, 3rd Class, temporary rank.	Superintending Engineer, 2nd Class.	Temporary	15th April	
* * *	* * *	* * *	* * *	* *	*

T. HIGHAM,

Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED JULY 15TH, 1899.

HOME DEPARTMENT.

NOTIFICATION.

ECCLESIASTICAL.

Simla, the 14th July 1899.

No. 314.—The Governor-General in Council is pleased to direct that the following shall be substituted for the last paragraph of Rule IX of the Rules for regulating grants for the building of churches, &c., published in Home Department Notification No. 178 (Ecclesiastical), dated the 21st May 1897 :

The Government grant will be found by multiplying the plinth area of the approved design, plus three times the area of the base of the tower, in cases in which a tower is admissible by a rate 25 per cent. in excess of the local rate per unit of plinth area for ordinary single-storied buildings :

Provided that if any portion of the plinth area of the tower falls within the plinth area of the church, the portion included must be deducted from the total plinth area before applying the rate.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 12th July, 1899.

No. 1347—67-7.—Veterinary-Captain F. Joslen, Officiating Principal, Lahore Veterinary College, is granted furlough on medical certificate for six months, under Articles 340 (*b*) and 689 B of the Civil Service Regulations, with effect from the date on which he availed himself of the leave.

M. FINUCANE,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 14th July, 1899.

No. 1833-*F*.—Whereas the Governor-General in Council has power and jurisdiction within the territory of Kurram : In exercise of such jurisdiction, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to make the following orders which shall have effect as from the 1st day of October 1898, in respect of criminal proceedings against all persons, other than British subjects, accused of having committed, within the said territory, any of the following offences, namely :

(1) Waging war against the Queen.
(2) Conspiring to wage war against the Queen or to overawe the Government.
(3) Aiding the escape of, rescuing or harbouring, a State prisoner.
(4) Murder.
(5) Culpable homicide not amounting to murder.
(6) Rape.
(7) Kidnapping and abduction.
(8) Wrongful confinement.
(9) Adultery.

(10) Unnatural offence.
(11) Criminal trespass.
(12) Robbery.
(13) Dacoity.
(14) Mischief by fire or any explosive substance.
(15) Rioting.
(16) Injuring or defiling a place of worship with intent to insult the religion of any class.
(17) Disturbing a religious assembly.
(18) Trespassing on burial places with intent to wound the feelings or insult the religion of any person.
(19) Counterfeiting coin or passing counterfeit coin or being in possession of counterfeit coin with intent to defraud.
(20) Abetment of any of the above offences.
(21) Attempt to commit any of the above offences.

1. The Officer on Special Duty in Kurram for the time being shall exercise within the limits of the territory under his control, the powers of a District Magistrate and a Court of Session as described in the Code of Criminal Procedure, 1898.

2. The Commissioner and Superintendent of the Peshawar Division for the time being shall exercise the powers of a Court of Session and a High Court as described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by the Officer on Special Duty in Kurram :

Provided that the said Officer on Special Duty shall not commit any accused person for trial to the Commissioner acting as a Court of Session, and provided that every sentence of imprisonment for a term exceeding five years passed by the Officer on Special Duty in Kurram shall be subject to confirmation by the said Commissioner.

3. The Commissioner and Superintendent of the Peshawar Division for the time being shall exercise the powers of a High Court as described in the said Code in respect of all offences over which the jurisdiction of a Court of Session is exercised by the Officer on Special Duty in Kurram :

Provided that, when an accused person is sentenced to death, the said powers of a High Court as a Court of Appeal, Reference and Revision, shall be exercised, not by the Commissioner and Superintendent of the Peshawar Division, but by the Lieutenant-Governor of the Punjab and its Dependencies, and no sentence of death passed by the Officer on Special Duty in Kurram shall be carried out until it has been confirmed by the said Lieutenant-Governor.

4. In the exercise of the jurisdiction of a Court of Session conferred on him by this notification, the Officer on Special Duty in Kurram may take cognizance of an offence as a Court of Original Criminal Jurisdiction without the accused person being committed to him by a Magistrate; and shall, when so taking cognizance of any offence, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.

5. In the exercise of the jurisdiction aforesaid the Officer on Special Duty in Kurram may on conviction sentence any offender to any punishment warranted under the Indian Penal Code in respect of any such offence as is above mentioned, and may sentence any woman convicted of adultery to any punishment warranted under section 32 of the Punjab Frontier Crimes Regulation, 1887, in respect of such an offence.

6. The Officer on Special Duty in Kurram may exercise all or any of the powers conferred on a Deputy Commissioner by sections 35, 36, 39 and 40 of the Punjab Frontier Crimes Regulation, 1887, and for these purposes shall, as far as may be, observe the procedure prescribed in the said Act in that behalf.

Notifications No. 1808-F., dated 14th August, 1894, No. 350-F., dated 19th January, 1898, No. 2085-F., dated 26th May, 1898, No. 2692-I.-A., dated 7th October, 1898, are hereby cancelled.

H. S. BARNES,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

STATISTICS AND COMMERCE.

CUSTOMS.

Simla, the 12th July, 1899.

No. 3192-*S. R.*—The Governor-General in Council is pleased to direct the cancelment of the condition in No. 14 of Schedule IV of the Indian Tariff Act, VIII of 1894, as amended by Acts XVI of 1894 and III of 1896, which limits the exemption from import duty of machinery (and component parts thereof) to machinery intended for specified industries; and, in exercise of the power conferred by section 23 of the Sea Customs Act (VIII of 1878), His Excellency in Council exempts from payment of import duty all machinery (and component parts thereof), as described in the said number, without reference to the industry for which it is intended.

ACCOUNTS AND FINANCE.

MINT.

Simla, the 14th July, 1899.

No. 3218-*A.*—In modification of Notification No. 2662, dated the 26th June 1893 the Governor-General in Council is pleased to remove, as regards gold produced at the Indian mines and tendered at the Bombay Mint by the Agents of the Mining Companies, the restriction that it shall be fit for coinage, and to direct that it shall be received at the Mint in the condition in which it has hitherto been shipped for export.

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 14th July, 1899.

APPOINTMENTS.

STAFF CORPS.

No. 757.—Captain G. O. Roos-Keppel, Royal Scots Fusiliers, Assistant Commissioner, Punjab, is admitted to the Indian Staff Corps, from the 19th September 1897, subject to confirmation by the Secretary of State for India.

LONDON GAZETTE.

No. 761.—The following extracts are published for general information :

"London Gazette," dated the 20th June 1899, *pages* 3867, 3868, *and* 3869.

INDIA OFFICE;

20th June, 1899.

The Queen has approved of the following promotions among the officers of the * * * Indian Medical Service * * * :

* * * * * * *

INDIAN MEDICAL SERVICE.

* * * * * * *

Majors to be Lieutenant-Colonels.

Dated 31st March 1899.

BENGAL ESTABLISHMENT.

Francis Frederick Perry.

Stephen Little, M.D.

* * * * * * *

Captains to be Majors.

Dated 31st March 1899.

BENGAL ESTABLISHMENT.

William Henry Wilson Elliot.

William Ronaldson Clark.

George Frederick William Braide.

* * * * * * *

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 11th July, 1899.

No. 290.—Mr. J. E. Hilton, Superintending Engineer, 1st Class, Punjab, is appointed to officiate as Chief Engineer, with temporary rank in the 3rd Class, and Secretary to that Government in the Public Works Department, Buildings and Roads Branch, with effect from the afternoon of the 29th June 1899, during the absence of Colonel S. L. Jacob, R.E., on furlough, or until further orders.

The 13th July, 1899.

No. 293.—Mr. E. E. de St. Dalmas, Assistant Engineer, 3rd Grade, Punjab, has, at his own request, been permitted to resign the service of Government, with effect from the afternoon of the 17th April 1899.

The 14th July, 1899.

No. 295.—With reference to Public Works Department Notification No. 103, dated the 14th March 1899, Mr. B. Parkes, Superintending Engineer, 2nd Class, temporary rank, is permanently transferred to Bengal, and permanently promoted to Superintending Engineer, 3rd Class, with effect from the afternoon of the 15th July 1899. Mr. Parkes will continue to hold temporary rank in the 2nd Class.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JULY 27, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JULY 22ND, 1899.

MILITARY DEPARTMENT.

Simla, the 21st July, 1899.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS, AND RESIGNATIONS.

No. 812.—*2nd Punjab (Simla) Volunteer Rifles*—

George Harry leMaistre, Gentleman, to be Lieutenant, with effect from the 17th May 1899, *vice* Hodder, promoted.

Stanislaus Kostka Murphy, Gentleman, to be Lieutenant, with effect from the 14th June 1899, *vice* Beard, resigned.

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 21st July, 1899.

No. 308.—Mr. J. E. Hilton, Chief Engineer, 3rd Class, *temporary rank*, and Officiating Secretary to the Government of the Punjab, Public Works Department, Buildings and Roads Branch, is permitted to retire from the service of Government, with effect from the afternoon of the 24th July 1899, under Article 720, Civil Service Regulations.

No. 309.—Lieutenant Robert Henry Thomas, R.E., Assistant Engineer, 2nd Grade, Military Works Department, is appointed to the Public Works Department as an Assistant Engineer, 3rd Grade, and posted to the Punjab.

T. HIGHAM,
Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 3, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JULY 29TH, 1899.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Simla, the 28th July, 1899.

No. 1646.—In exercise of the power conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Governor-General in Council is pleased to direct that the following rules be substituted for Rules 10 and 11 of the rules to regulate the transport and importation of explosives published with the Notification of the Government of India in the Home Department, No. 1393, dated the 8th July 1897:

10. An explosive shall not be imported by sea except at one of the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Karachi, Aden and (in the case of crackers only) Negapatam. But a license to import an explosive by sea from Rangoon into the port of Akyab, Moulmein, Sandoway, Kyouk-Phyoo, Tavoy or Mergui, as the case may be, may be granted by the Magistrate of the district in which such port is situated. The fee payable in respect of each such license shall be one rupee, and the license shall be in Form A in the Schedule hereto annexed.

11. If the explosive is gunpowder or an explosive of the 1st division of the 6th (ammunition) class or an explosive of the 7th (fire-work) class, the license to import the same may be granted at the Port of Calcutta, Madras or Bombay, by the Commissioner of Police, and at the Port of Rangoon, Calicut, Karachi, Aden or Negapatam, by the District Magistrate.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 22nd July, 1899.

No. 1913-*F.*—Mr. J. G. Lorimer, of the Indian Civil Service, an Assistant Commissioner in the Punjab, is appointed to officiate as Political Officer in the Khyber, with effect from the forenoon of the 19th June, 1899, and until further orders.

H. S. BARNES,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

STATISTICS AND COMMERCE.

CUSTOMS.

Simla, the 28th July, 1899.

No. 3447-*S.R.*—In exercise of the powers conferred by section 8-A of the Indian Tariff Act (VIII of 1894, as amended by Acts III of 1896 and XIV of 1899), the Governor-General in Council is pleased to make the following rules regarding the assessment of the additional duties on sugar imported from countries where differential rates of bounty are payable according to percentage of polarisation :

(1) If the importer declares that bounty has been paid on the sugar imported at the highest rate shown for the country of production or export in the Notification of the Government of India in the Finance and Commerce Department No. 1327-S.R., dated the 20th March 1899, the corresponding rate of additional duty shall be levied and it shall not be necessary to have the sugar tested in India.

(2) If the importer declares that the bounty was paid at any rate below the highest, the sugar shall be tested.

(3) The object of the test shall be to enable the Collector of Customs to determine the class in which the sugar should be deemed to have been placed for the payment of bounty; and the additional duty shall be assessed at the rate corresponding to the rate of bounty which the result of the test, in the opinion of the Collector of Customs, indicates as the rate of bounty paid. The additional duty shall be collected at the rate assessed by the Collector of Customs under this rule, unless the importer shall produce documentary evidence to the satisfaction of the Collector that the bounty was actually paid at a lower rate when the additional duty shall be collected at the rate corresponding to such lower rate of bounty.

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 28th July, 1899.

CANTONMENTS.

No. 824.—In exercise of the powers conferred by sections 26 and 27 of the Cantonments Act, 1889 (XIII of 1889), the Governor-General in Council is pleased to make

the following rules for the Cantonment of Rawalpindi: and to declare that the said rules shall remain in force till the first day of October 1899, but no longer:

RULES.

Water-supply.

Definitions.

1. In these rules the expression "source of public water-supply" includes every public well, tank, river, stream, spring, channel, reservoir or other source within the limits of the cantonment from which water is or may be made available for public use, whether or not it is used for the purposes of water-works, and also every source of water-supply situate on private premises to the use of which the public is entitled.

Control of Cantonment Authority over sources of public water-supply.

2. All sources of public water-supply (except such as are used for the purposes of water-works, and are for the time being under the control of the Public or Military Works Department) shall be under the control of the Cantonment Authority.

Powers to prohibit use of any source of public water-supply for drinking purposes.

3. (1) Where, in the opinion of the Cantonment Authority, the water in any source of public water-supply is likely, if used by human beings or by milch animals for drinking purposes, to engender or cause the spread of any disorder, the Cantonment Authority may, by public notice, prohibit the use or removal of the same for all or any of the following purposes, namely:

(a) the drink of human beings or admixture with any article of human consumption;

(b) the drink of milch animals, or admixture with any article of food or drink for milch animals;

(c) the washing of vegetables or of cooking utensils;

(d) any other purpose which is likely to cause its introduction into any article of human consumption.

(2) A copy of every notice issued under this rule shall be conspicuously posted near the source of water-supply to which the notice relates.

Power to require proper maintenance, or closing to public use, of private source of public drinking water-supply.

4. The Cantonment Authority may, by notice in writing, require the owner, or any person having control, of any source of public water-supply which is used for drinking purposes,—

(a) to keep the same in good order, and to clear it, from time to time, of silt, refuse or decaying vegetation; or

(b) if the water therein is proved to the satisfaction of the Cantonment Authority to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to, or using, such water:

Provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the Cantonment Authority for the use of the public, and the Cantonment Authority shall thereupon undertake the control and supervision of the same.

Polluting source of public drinking water-supply used.

5. (1) No person shall—

(a) bathe in any source of public water-supply which is used for drinking purposes; or

(b) wash, throw or cause or permit to enter therein any dog or other animal; or

(c) wash or cleanse therein any clothes, wool, cloth, leather, skin, utensil or other thing; or

(d) throw or allow to flow thereinto any offensive matter or rubbish; or

(e) cause or allow the water of any sink, drain, steam-engine or boiler or any other filthy or polluted water, belonging to him or under his control, to flow thereinto; or

(*f*) do any other act whereby the water thereof is polluted, or is likely to be polluted.

(2) For the purposes of this rule the Cantonment Authority may, by public notice, declare what sources of public water-supply are used for drinking purposes.

(3) A copy of every notice issued under this rule shall be conspicuously posted near the source of water-supply to which the notice relates.

Impairing quality, or diminishing quantity, of water in source of public drinking water-supply or impairing usefulness of water-works.

6. The Cantonment Authority may, by public notice, prohibit any act specified in the notice which would, in its opinion,—

(*a*) impair the quality or diminish the quantity of the water in any source of public water-supply which is set apart for public use and is used for drinking purposes ; or

(*b*) injure or impair the usefulness of any of the pipes, locks, cocks or other fittings of water-works.

Trespass on water-works.

7. (1) The Cantonment Authority may, by public notice, prohibit trespasses upon land occupied by water-works.

(2) A copy of every notice issued under this rule shall be conspicuously posted on the land to which the notice relates.

Altering, obstructing or encroaching upon public water-channel.

8. (1) No person shall, without the permission in writing of the Cantonment Authority, alter, obstruct, or encroach upon, any public water-channel.

(2) The Cantonment Authority may, by notice in writing, require any person who has made any such alteration, obstruction or encroachment, as aforesaid, to remove, or desist from, the same.

Power to prohibit polluting of source of public water-supply by fishing, boating or gathering flowers or plants.

9 (1) The Cantonment Authority may, by public notice, prohibit fishing, boating or the gathering of flowers or plants, generally or by any particular method specified in the notice, in any source of public water-supply, where it considers that any such act is likely to cause danger to the public health.

(2) A copy of every notice issued under this rule shall be conspicuously posted near the source of water-supply to which the notice relates.

Throwing of corpse into source of public water-supply.

10. No person shall throw a corpse into any source of public water-supply.

Power to prohibit pollution of source of public water-supply by carrying on offensive trade.

11. The Cantonment Authority may, by notice in writing, require the owner, lessee, or occupier of any place in which is carried on any offensive trade or manufacture, whereby the water in any source of public water-supply is polluted, to take steps to abate such pollution.

Placing latrine, etc., or depositing offensive matter or rubbish, near source of public water supply.

12. No person shall, without the permission in writing of the Cantonment Authority,—

(*a*) place any latrine, urinal, cesspool or drain, or

(*b*) use for the deposit of offensive matter or rubbish any place within fifty feet of any source of public water-supply.

Removal of latrine, etc., near any source of public water-supply.

13. The Cantonment Authority may, by notice in writing, require any lessee, owner or occupier on whose land any latrine, urinal, cesspool, drain or other receptacle for offensive matter exists within fifty feet of any source of public water-supply, to remove or close the same within one week from the service of such notice.

Bathing or washing at public well or spring so as to pollute the water.

14. No person shall—

(*a*) bathe, or

(*b*) wash any animal, or any clothes, wool, cloth, leather, skin, utensil or other thing,

by the side of any public well or spring so as to pollute the water thereof.

Regulation of public bathing and washing.

15. (*1*) The Cantonment Authority may, by public notice, prohibit—

(*a*) bathing, or

(*b*) the washing of animals or of clothes, wool, cloth, leather, skins, utensils or other things, or of any class of such things,

by the public or any class thereof at any public place specified in the notice.

(*2*) The Cantonment Authority may, by public notice,—

(*a*) appoint places for—

(*i*) bathing, or

(*ii*) the washing of animals or of clothes, wool, cloth, leather, skins, utensils or other things, or any class of such things, and

(*b*) fix the hours at which alone bathing or washing may be carried on at any place so appointed.

(*3*) In any notice issued under this rule, separate places may be appointed for bathing and washing, respectively, and separate places may be appointed for bathing by men and women, respectively.

(*4*) A copy of every notice issued under this rule shall be conspicuously posted on or near the place or places to which the notice relates.

EXPLANATION.—" Washing an animal " includes driving or throwing an animal, or permitting it to go into water.

Penalties.

16. Whoever commits a breach of any of these rules shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and, in the case of a continuing breach with a further fine which may extend to five rupees for every day after the first in regard to which he is convicted of having persisted in the breach.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 10, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JULY 8TH, 1899.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

Simla, the 8th July, 1899.

No. 2150.—The following draft of a Notification, which it is proposed to issue in exercise of the powers conferred by section 58 of the Pilgrim Ships Act, 1895 (XIV of 1895), is published for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Governor-General in Council on or after the 8th September 1899.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date aforesaid will be considered by the Governor-General in Council:

Draft Notification.

In exercise of the powers conferred by section 58 of the Pilgrim Ships Act, 1895 (XIV of 1895), the Governor-General in Council is pleased to direct that the following amendments be made in the rules published with the Notification of the Government of India in the Home Department, No. 262, dated the 5th October 1896:

(1) For the last paragraph of Rule 31, the following shall be substituted, namely:

" A sign-board written in bold letters in the Persian, Urdu and Guzarati characters shall be displayed at the place, to be approved by the Inspector, at which stores are dispensed, announcing that food can be procured there. At the same place shall be posted a table of the rations of food and water in Persian, Urdu and Guzarati, and a price-list in the same languages of the articles of food offered for sale."

(2) In Rule 66, after sub-section 2 (*b*), the following shall be inserted, namely:

" and (*c*) the words *food is procurable on board the ships*."

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED AUGUST 5TH, 1899.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

STATISTICS AND COMMERCE.

CUSTOMS.

Simla, the 3rd August, 1899.

No. 3559-*S.-R.*—In exercise of the power conferred by sub-section (2) of section 8 A of the Indian Tariff Act, 1894 (VIII of 1894, as amended by Acts III of 1896 and XIV of 1899), and in supersession of the rates of additional duty on the kinds of sugar mentioned against Austria-Hungary in the Notification in this Department, No. 1327-S.-R., dated the 20th March 1899, the Governor-General in Council is pleased to declare that the rates shall be revised as follows, with effect from the 1st August 1899: Provided that the rates hereby superseded shall apply to any imported sugar for which the bill of lading was signed and given before the 1st August 1899:

For

Kinds of Sugar.	Bounties bestowed.	Additional duties to be levied.
		Per cwt.
		Rs. A. P.
Sugar unde[r] 93 [p]er cent., and of at least 88 per cent., polarizatio[n].	1·37 florins per 100 kilograms	0 14 0
Sugar under 99½ [p]er [c]ent., and of at least 93 per cent., polarization.	1·46 florins per 100 kilograms	0 15 0
Sugar ɑ. ·f at least 99½ pe[r] cent. polarization ...	2·10 florins per 100 kilograms	1 5 0

Read

Kinds of Sugar.	Bounties bestowed.	Additional duties to be levied.
		Per cwt.
		Rs. A. P.
Sugar under 99·3 per cent., and of at least 90 per cent., polarization.	1·46 florins per 100 kilograms	0 15 0
Sugar of at least 99·3 per cent. polarization ...	2·10 florins per ·00 kilograms	1 5 0

SEPARATE REVENUE.

POST OFFICE.

The 4th August, 1899.

No. 3566-*S.-R.*—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the undermentioned amendments shall be made in the rules published in the Notification in this Department, No. 1429-C.-S.-R., dated the 30th March 1899:

(*a*) *For rules 1, 2, 6 (1), 8 (1), 14, 16, 17 and 22 substitute the following:*

1. The following rates of postage shall be chargeable on postal articles where the postage is prepaid:

LETTERS.

For a letter not exceeding half a tola in weight	Half an anna.
For a letter exceeding half a tola but not exceeding one tola and a half in weight	One anna.
For every additional one tola and a half or part of that weight	One anna.

POSTCARDS.

For a single postcard	One-quarter of an anna.
For a reply postcard	Half an anna, that is, one-quarter of an anna for each portion of the reply postcard.

BOOK, PATTERN AND SAMPLE PACKETS.

For every ten tolas or part of that weight	Half an anna.

REGISTERED NEWSPAPERS.

For a newspaper not exceeding four tolas in weight	One-quarter of an anna.
For a newspaper exceeding four tolas but not exceeding twenty tolas in weight	Half an anna.
For every additional twenty tolas or part of that weight	Half an anna.

PARCELS.

For a parcel not exceeding twenty tolas in weight	Two annas.
For a parcel exceeding twenty tolas but not exceeding forty tolas in weight ...	Four annas.
For every additional forty tolas or part of that weight	Four annas.

2. The following rates of postage shall be chargeable on the delivery of postal articles where the postage is not prepaid or is insufficiently prepaid:

On an unpaid letter, postcard of private manufacture or packet	Double the prepaid rate.
On an insufficiently paid letter or packet	Double the deficiency.
On an insufficiently paid reply postcard of private manufacture	Double the prepaid rate on the half for which the postage is not prepaid.
On an unpaid registered parcel ...	The prepaid rate (and registration fee).

6. (1) Nothing shall be written, printed or otherwise impressed on the address-side of a postcard except—

(*a*) the heading " Postcard " or " Reply Postcard " ;

(*b*) the name and address of the addressee ;

(*c*) the name and address of the sender ;

(*d*) the date of posting ;

(*e*) engravings or advertisements, provided that sufficient space is left for a clear address and for the official marks of the Post Office.

Explanation.—The exception as regards advertisements being allowed on the address-side of a postcard is restricted to printed advertisements.

8. A book packet may contain any of the following articles :—

(1) Newspapers and publications of all kinds; books, whether blank or printed; engravings, photographs, drawings, plans, maps, printed music, and proof sheets, with or without the manuscript relating thereto ; blank paper, parchment, or card-board ; and, generally, anything printed, engraved, lithographed or papyrographed on paper, parchment or card-board :

Provided that no card bearing the heading " Postcard " shall be allowed to be transmitted open by post as a book packet.

14. (1) A pattern packet may contain *bonâ fide* trade patterns or samples of merchandise not having any saleable value, together with, or without, any matter which may be sent as a book packet. There shall be no writing upon or in a pattern packet, except the name and address of the sender, the name and address of the person for whom it is intended, a trade mark, numbers, prices, and indications as to the weight, size or quantity to be disposed of.

(2) Objects of natural history, dried or preserved animals and plants, geological specimens and other similar objects shall also be admitted to transmission by post at the rates of postage for pattern packets, provided that they are not sent for a commercial purpose, and that they are packed in the manner prescribed for pattern packets generally.

16. (1) A pattern packet shall be posted without a cover, or with a cover open at both ends, or in an unfastened envelope or other cover which can be easily removed so as to admit of a ready examination of the contents.

(2) Samples of seeds, drugs, and other articles which cannot be sent in unfastened or removable envelopes may be sent enclosed in boxes or bags, provided that they are fastened in such a way that they can be easily opened : they may also be sent in air-tight cases when necessary, provided that the nature of the contents is certified on the cover under the full signature and address of the sender.

(3) Articles of glass shall be securely packed (in boxes of metal, wood, leather or card-board) in such a way as to prevent all risk of injury to the mails or to the officers of the Post Office.

(4) Liquids, oils, and fatty substances easily liquefied shall be enclosed in glass bottles hermetically sealed. Each bottle shall be placed in a wooden box furnished with saw dust, cotton, or some spongy material in sufficient quantity to absorb the liquid in case the bottle be broken. Finally the box itself shall be enclosed in a case of metal, or of wood with a screw top, or of strong and thick leather.

Explanation.—When use is made of perforated wooden blocks of the thickness of at least $\frac{1}{10}$th of an inch in the weakest part, with a sufficient quantity of absorbent material inside and provided with a cover, the blocks need not be enclosed in a second case.

(5) Fatty substances which are not easily liquefied, such as ointments, soft soaps, resins, etc., shall be enclosed in an inner cover (box, bag of linen or parchment, etc.) which shall itself be placed in a second box of wood, metal, or strong and thick leather.

(6) Dry powders, whether dyes or not, shall be placed in card-board boxes, which themselves shall be enclosed in a bag of linen or parchment.

(7) Live bees shall be enclosed in boxes so constructed as to prevent all danger and to allow the contents to be ascertained.

17. (1) If a pattern packet is found to contain anything not permitted by the rules, or to be in excess of the prescribed size or weight, or to be packed in a manner not in accordance with the rules, it shall be charged on delivery with letter or parcel postage, whichever may be less. Any postage stamps that may be affixed to it shall, however, be recognized in assessing the charge.

(2) If a packet containing samples of any of the articles mentioned in clauses (3) to (7) of Rule 16 is not packed in the manner prescribed therein, it shall not be forwarded.

22. (1) Every parcel intended for transmission by post shall be presented at the window of the Post Office. Any parcel found in a letter box shall be treated and charged as a registered parcel.

(2) If a parcel containing any of the articles mentioned in clauses (2) and (3) of Rule 20 A is not packed in the manner prescribed therein, it shall not be forwarded.

(*b*) *Insert the following after rule* 20 :

20 A. (1) A parcel shall be packed and enclosed in a reasonably strong case, wrapper, or cover, fastened in a manner calculated to preserve the contents from loss or damage in the post, to prevent any tampering therewith, and to protect other postal articles from being damaged in any way thereby.

(2) Liquids and substances which liquefy easily shall be despatched in a double receptacle. Between the first receptable (bottle, flask, pot, box etc.) and the second (which shall be a box of metal or of strong wood) some space shall be left to be filled with saw dust, bran, or some other absorbing material.

(3) Live bees shall be enclosed in suitable cases and so packed as to prevent all risk of injury to other postal articles in course of transmission by post or to officers of the Post Office.

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 4th August, 1899.

FIELD OPERATIONS.

No. 856.—With the object of intimating without delay casualties in the field among native soldiers to their friends and relatives it is notified that the following procedure will be adopted in future :

I.—Officers Commanding all depôts of native corps engaged on field service should furnish as quickly as possible to the Secretaries of Local Governments and Administrations concerned, for publication in the vernacular editions of their Official Gazettes, a list of the names of all native ranks of the regiment that have been killed or wounded, or have died from wounds, disease, etc. These lists should also show clearly the names of the deceased or wounded men's fathers, and their residence.

District officers will be instructed to convey at once notice of such published casualties to the deceased soldiers' homes.

II.—Officers Commanding all depôts of native corps will also communicate without delay the news of the death of native soldiers direct to their relatives.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 31st July, 1899.

No. 323.—Mr. E. duCane Smithe, Executive Engineer, 1st Grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the afternoon of the 17th July 1899.

No. 324.—Mr. J. M. Campion, Superintending Engineer, 1st Class, Punjab, is appointed to officiate as Chief Engineer, with temporary rank, in the 3rd Class and Secretary to that Government, with effect from the afternoon of the 24th July 1899.

Mr. E. duCane Smithe, Officiating Superintending Engineer, will hold temporary rank in the 3rd Class, with effect from the same date.

The 2nd August 1899.

No. 326.—Mr. L. M. Jacob, Superintending Engineer, 3rd Class, temporary rank, Punjab, is permanently promoted to that class, with effect from the 15th April 1899.

T. HIGHAM,

Joint Secretary to the Government of India.

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PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 12TH, 1899.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 8th August 1899.

No. 15.—In exercise of the power conferred by section 10 of the Indian Councils Act, 1861 (24 and 25 Vict., c. 67), and section 1 of the Indian Councils Act, 1892 (55 and 56 Vict., c. 14), the Governor-General is pleased to nominate Rai Bahadur Protul Chandar Chatterjee, M. A., B. L., a Judge of the Chief Court of the Punjab, to be an Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations.

J. M. MACPHERSON,

Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 11th August, 1899.

No. 1747.—In supersession of Home Department Notification No. 1670-Public, dated the 9th August, 1898, and in exercise of the powers conferred by section 17 of the Indian Explosives Act, 1884 (IV of 1884), the Governor-General in Council is pleased hereby to declare that acetylene when liquid or when subject to a pressure greater than $1\frac{1}{20}$ atmospheres shall be deemed to be an explosive within the meaning of the said Act:

Provided that acetylene in admixture with oil-gas in a proportion not exceeding twenty parts by volume of acetylene in every one hundred parts of the mixture, when subjected to a pressure not exceeding one hundred and fifty pounds to the square inch, shall not be deemed to be an explosive within the meaning of the said Act:

Provided, further, that the acetylene and oil-gas shall be mixed together in a chamber or vessel before the gases are subjected to compression.

EXAMINATIONS.

The 11th August, 1899.

No. 456.—The following Regulations respecting the examination of candidates for the Civil Service of India, to be held in August 1900, are published for general information:

[*Copies of this paper may be obtained on application to the Secretary to the Government of India in the Home Department.*]

EXAMINATIONS FOR THE CIVIL SERVICE OF INDIA.

An open Competitive Examination for admission to the Civil Service of India will be held in London, under the subjoined Regulations, commencing on the 1st August, 1900.

The number of persons to be selected at this Examination will be announced hereafter.

No person will be admitted to compete from whom the Secretary, Civil Service Commission, has not received on or before the 2nd July, 1900, *an application on the prescribed form, accompanied by a list of the subjects in which the Candidate desires to be examined.*

The Order for admission to the Examination will be posted on the 18th July, 1900, to the address given on the Form of Application. It will contain instructions as to the time and place at which candidates will be required to attend, and as to the manner in which the fee (£6) is to be paid.

CIVIL SERVICE COMMISSION,
May, 1899.

REGULATIONS.

*** *The following Regulations, made by the Secretary of State for India in Council, are liable to alteration from year to year.*

1. An Examination for admission to the Civil Service of India, open to all qualified persons, will be held in London in August of each year. The date of the Examination and the number of appointments to be made for each Province will be announced beforehand by the Civil Service Commissioners.

2. No person will be deemed qualified who shall not satisfy the Civil Service Commissioners:

(i) That he is a natural-born subject of Her Majesty.

(ii) That he had attained the age of twenty-one, and had not attained the age of twenty-three, on the first day of the year in which the Examination is held.

[N. B.—*In the case of Natives of India it will be necessary for a Candidate to obtain a certificate of age and nationality signed, should he be a resident in British India,*

by the Secretary to Government of the Province, or the Commissioner of the Division within which his family resides, or should he reside in a Native State, by the highest Political Officer accredited to the State in which his family resides.]

(iii) That he has no disease, constitutional affection, or bodily infirmity unfitting him, or likely to unfit him, for the Civil Service of India.

(iv) That he is of good moral character.

3. Should the evidence upon the above points be *primâ facie* satisfactory to the Civil Service Commissioners, the candidate, on payment of the prescribed fee, will be admitted to the Examination. The Commissioners may, however, in their descretion at any time prior to the grant of the Certificate of Qualification hereinafter referred to institute such further inquiries as they may deem necessary; and if the result of such inquiries, in the case of any Candidate, should be unsatisfactory to them in any of the above respects, he will be ineligible for admission to the Civil Service of India, and if already selected, will be removed from the position of a Probationer.

4. The Open Competitive Examination will take place only in the following branches of knowledge:

		Marks.
English Composition		500
Sanskrit Language and Literature		500
Arabic Language and Literature		500
Greek Language and Literature		750
Latin Language and Literature		750
English Language and Literature (including special period named by the Commissioners) (a)		500
French Language and Literature		500
German Language and Literature		500
Mathematics (pure and applied)		900
Advanced Mathematical subjects (pure and applied)		900
Natural Science, *i. e.*, any number not exceeding *three* of the following subjects:		
Elementary Chemistry and Elementary Physics ... (*N.B.*—This subject may not be taken up by those who offer either Higher Chemistry or Higher Physics.)	600	1,800
Higher Chemistry	600	
Higher Physics	600	
Geology	600	
Botany	600	
Zoology	600	
Animal Physiology	600	
Greek History (Ancient, including Constitution)		400
Roman History (Ancient, including Constitution)		400
English History		500
General Modern History (one of the periods specified in the syllabus issued by the Commissioners) (a)		500
Logic and Mental Philosophy (Ancient and Moderns)		400
Moral Philosophy (Ancient and Modern)		400
Political Economy and Economic History		500
Political Science (including Analytical Jurisprudence, the Early History of Institutions, and Theory of Legislation)		500
Roman Law		500
English Law. Under the head of "English Law" shall be included the following subjects, *viz*., (1) Law of Contract; (2) Law of Evidence; (3) Law of the Constitution; (4) Criminal Law; (5) Law of Real Property; and of these five subjects Candidates shall be at liberty to offer any four, but not more than four		500

Candidates are at liberty to name any or all of these branches of knowledge (*a*). None is obligatory.

5. The merit of the persons examined will be estimated by marks; and the number set opposite to each branch in the preceding regulation denotes the greatest number of marks that can be obtained in respect of it.

6. The marks assigned to Candidates in each branch will be subject to such deduction as the Civil Service Commissioners may deem necessary (*b*) in order to secure that no credit be allowed for merely superficial knowledge.

(*a*) A Syllabus, defining the character of the Examination in the various subjects, may be obtained on application to the Secretary, Civil Service Commission.

(*b*) No deduction will be made from the marks assigned to Candidates in Mathematics or English Composition.

7. The Examination will be conducted on paper and *vivâ voce*, as may be deemed necessary.

8. The marks obtained by each Candidate, in respect of each of the branches in which he shall have been examined, will be added up, and the names of the several Candidates who shall have obtained, after the deduction above mentioned, a greater aggregate number of marks than any of the remaining Candidates, will be set forth in order of merit, and such Candidates shall be deemed to be selected Candidates for the Civil Service of India, provided they appear to be in other respects duly qualified. Should any of the selected Candidates become disqualified, the Secretary of State for India will determine whether the vacancy thus created shall be filled up or not. In the former case, the Candidate next in order of merit, and in other respects duly qualified, shall be deemed to be a selected Candidate. A Candidate entitled to be deemed a selected Candidate, but declining to accept the nomination as such, which may be offered to him, will be disqualified for any subsequent competition.

9. Selected Candidates, before proceeding to India, will be on probation for one year, at the end of which time they will be examined, with a view of testing their progress in the following subjects (*c*):

Compulsory—

		Marks.
1.	Indian Penal Code	250
2.	Code of Criminal Procedure	250
3.	The Indian Evidence Act	250
*4.	The principal Vernacular Language of the Province to which the Candidate is assigned	400

Optional. [Not more than two of the following subjects.]

1.	The Code of Civil Procedure and the Indian Contract Act	400
2.	Hindu and Muhammadan Law	450
†3.	Sanskrit	400
†4.	Arabic	400
5.	Persian	400
6.	History of British India	350
7.	Chinese (for Candidates assigned to the Province of Burma only)	400

* The principal Vernacular Language prescribed for each Province to which Candidates are assigned is as follows:

For the North-Western Provinces and Oudh, the Punjab, and the Central Provinces ...	Hindustani.	
For Burma	Burmese.	
For Bombay	Marathi.	
For Madras	Tamil or Telugu	At the option of the Candidate.
For the Lower Provinces of Bengal ...	Hindustani or Bengali	

In Hindustani the Candidate will be required to be acquainted with both the Persian and the Nagari character; and in the case of the last two Provinces mentioned above, a andidate whose Vernacular Language is either of the languages shown against his Province, must offer the other for examination.

† These subjects may not be offered by any Candidate who has offered them at the Open Competition.

In this Examination, as in the Open Competition, the merit of the Candidates examined will be estimated by marks (which will be subject to deductions in the same way as the marks assigned at the Open Competition), and the number set opposite to each subject denotes the greatest number of marks that can be obtained in respect of it. The Examination will be conducted on paper and *vivâ voce*, as may be deemed necessary. This Examination will be held at the close of the year of probation, and will be called the "*Final Examination.*"

If any Candidate is prevented by sickness or any other adequate cause from attending such examination, the Commissioners may, with the concurrence of the Secretary of State for India in Council, allow him to appear at the Final Examination to be held in the following year, or at a special examination.

10. The selected Candidates will also be tested during their probation as to their proficiency in Riding.

The examinations in riding will be held as follows:

(1) Shortly after the result of the Open Competitive Examination has been declared, or at such time or times as the Commissioners may appoint during the course of the probationary year.

(2) Again, at the time of the Final Examination, Candidates who may fully satisfy the Commissioners of their ability to ride well and to perform journeys on horseback, shall receive a Certificate which shall entitle them to be credited

(*c*) Instructions showing the extent of the Examination, will be issued to the successful Candidates as soon as possible after the result of the Open Competition is declared.

with 200 or 100 marks, according to the degree of proficiency displayed, to be added to their marks, in the Final Examination.

(3) Candidates who fail to obtain this Certificate, but who gain a Certificate of minimum proficiency in riding, will be allowed to proceed to India, but will be subjected on their arrival to such further tests in riding as may be prescribed by their Government, and shall receive no increase to their initial salary until they have passed such tests to the satisfaction of that Government. A Candidate who fails at the end of the year of probation to gain at least the Certificate of minimum proficiency in riding, will be liable to have his name removed from the list of Selected Candidates.

11. The selected Candidates who, on examination, shall be found to have a competent knowledge of the subjects specified in Regulation 9, and who shall have satisfied the Civil Service Commissioners of their eligibility in respect of nationality, age, health, character, conduct during the period of probation, and ability to ride, shall be certified by the said Commissioners to be entitled to be appointed to the Civil Service of India, provided they shall comply with the regulations in force, at the time, for that Service.

12. Persons desirous to be admitted as Candidates, must apply on Forms, which may be obtained from "The Secretary, Civil Service Commission, London, S.W.," at any time after the 1st December, in the year previous to that in which the Examination is to be held. The Forms must be returned so as to be received at the office of the Civil Service Commissioners on or before the 1st July (or, if that date should fall upon a Sunday or public holiday, then, on or before the first day thereafter on which their office is open), in the year in which the Examination is to be held.

The Civil Service Commissioners are authorized by the Secretary of State for India in Council to make the following announcements :

(i) *Selected Candidates will be allotted to the various provinces upon a consideration of all the circumstances, including their own wishes ; but the requirements of the Public Service will rank before every other consideration.*

(ii) *An allowance amounting to £100 will be given to all Candidates who pass their probation at one of the Universities or Colleges which have been approved by the Secretary of State,* viz., *the Universities of Oxford, Cambridge, Dublin, Glasgow, Edinburgh, St. Andrews, and Aberdeen ; Victoria University, Manchester ; University College, London ; and King's College, London ; provided such Candidates shall have passed the Final Examination to the satisfaction of the Civil Service Commissioners, and shall have conducted themselves well and complied with such rules as may be laid down for the guidance of Selected Candidates. The whole probation must ordinarily be passed at the same Institution. Migration will not be permitted except for special reasons approved by the Secretary of State.*

(iii) *The allowance of £100 will not be paid to any Selected Candidate until he has been certified by the Civil Service Commissioners to be entitled to be appointed to the Civil Service of India ; and every Certificated Candidate must, before receiving his allowance, give a written undertaking to refund the amount in the event of his failing to proceed to India.*

(iv) *All Candidates obtaining Certificates will be also required to enter into covenants, by which, amongst other things, they will bind themselves to make such payments as under the rules and regulations for the time being in force, they may be required to make towards their own pensions or for the pensions of their families. The stamps payable on these covenants amount to £1.*

(v) *The seniority in the Civil Service of India of the Selected Candidates will be determined according to the order in which they stand on the list resulting from the combined marks of the Open Competitive and Final Examinations.*

(vi) *Selected Candidates will be required to report their arrival in India within such period after the grant of their Certificate of Qualification as the Secretary of State may in each case direct.*

(vii) *Candidates rejected at the Final Examination held in any year will in no case be allowed to present themselves for re-examination.*

N B.—*A Manual of Rules and Regulations applicable to members of the Covenanted Civil Service of India has been compiled by permission of the Government of India and may now be procured either from Messrs. A. Constable & Co., 2, Whitehall Gardens, S. W., or from Mr. E. A. Arnold, 37, Bedford Street, Covent Garden. Price 2s. 6d.*

The Commissioners have been requested by the Secretary of State for India to draw the attention of Selected Candidates to the prefatory note attached to this manual, as it is considered important that it should be clearly understood that this compilation is not to be regarded in any other light than that of a collection, made for facility of reference, of certain information and rules, that it is by no means exhaustive, and that it is liable to such modifications as may from time to time be sanctioned by competent authority.

[*Copies of this paper may be obtained on application to the Secretary to the Government of India in the Home Department.*]

CIVIL SERVICE OF INDIA.

OPEN COMPETITION OF 1900.

FORM TO BE FILLED UP BY CANDIDATES FOR EXAMINATION.

*** *The order for admission to the Examination will not be issued unless this form, filled up by the Candidate himself, is received by the Secretary of the Civil Service Commission on or before the 2nd July, 1900.*

*Date*________________

SIR,

I beg to inform you that I wish to be a Candidate at the Examination for the Civil Service of India, which is appointed to commence in London on the 1st of August, 1900.

I hereby declare that I was born on the day of 18 , and that therefore I had attained the age of 21 years and had not attained the age of 23 years on the 1st of January, 1900; I also declare that I have no disease, constitutional affection, or bodily infirmity unfitting me, or likely to unfit me, for the Civil Service of India; and that I am of good moral character, and otherwise eligible under the Regulations.

This should be given on the form attached.

I send herewith a statement of the subjects in which I desire to be examined.

Candidates who are not Natives of India should strike out this paragraph.

I also send herewith a Certificate of my Birth issued under Notification of the Government of India, No. 2252, dated 21st August, 1888, as amended by Notification No. 404, dated 19th May, 1898.

Candidates not born within the British Dominions should state this fact in a separate letter.

I have also to state, with reference to Section 2, Clause (i) of the Regulations, that I am a natural-born subject of Her Majesty.

* If you have never been examined, insert here the word "never."

† If you have been examined give the date, &c., of the *last* occasion.

I beg further to add that I have *________ been examined under the directions of the Civil Service Commissioners in the year 18______, † as a Candidate for the situation of ____________________

I am, SIR,

Your obedient Servant,

*Name in full*____________________

‡ If a London address, state postal district; if a country, state the post town.

Address to which it is desired that the order for Examination should be sent ‡________________

____

*Date*____________________

To the Secretary,
Civil Service Commission.

No certificates of age, health, and character, except as mentioned above, should be supplied until the result of the Examination is known.

☞ *If Candidates who fill up and return this Application Form do not receive an acknowledgment of it within four complete days, they should write to the Secretary, Civil Service Commission, 68, Victoria Street, London, S. W.*

N.B.—*Attention is drawn to the annexed Form, which must be filled up by every Candidate.*

EVIDENCE OF AGE TO BE REQUIRED FROM CANDIDATES FOR THE CIVIL SERVICE OF INDIA.

I. Every Candidate born in the United Kingdom should be prepared to produce, when required, a Certificate from the Registrar-General of Births, Marriages, and Deaths, or from one of his provincial Officers. This Certificate may be obtained from the Registrar-General in London, Dublin or Edinburgh, or from the Superintendent Registrar of the District in which the birth took place.

II. A Candidate born of European parents in India should be prepared to produce, when required, a Certificate of Baptism from the district in which he was baptised. If this does not also mention the date of birth, it should be accompanied by a statutory declaration by one of the Candidate's parents, stating the date and place of birth. When such certificates are not in the possession of the candidates an Extract from the Registers kept at the India Office will probably be obtainable.

III. A Candidate who is a Native of India must, *before he can be admitted to the competition,* have his age and nationality certified by the Government of India, or of the Presidency or Province in which he may have resided.

[*No Certificates except those issued under Notification of the Government of India, No. 2252, dated 21st August, 1888, will be accepted for this competition.*]

Except as noted in paragraphs II and III, every Candidate who proves to be successful is expected to produce a Certificate of *Birth*. The Civil Service Commissioners will not in ordinary cases accept a Certificate of Baptism, or other testimony, unless they are first satisfied that a Certificate of Birth cannot be procured.

Official Certificates of Birth may generally be obtained as follows:

(*a*) *For persons born in England or Wales since 30th June,* 1837.—From the Registrar-General, Somerset House, London, or from the Superintendent Registrar of the district in which the birth took place.

(*b*) *For persons born in Scotland since 31st December,* 1854.—From the General Register Office, Edinburgh; or from the Registrar of the parish or district in which the birth took place.

(*c*) *For persons born in Ireland since 31st December,* 1863.—From the General Register Office, Dublin; or from the Superintendent Registrar of the district in which the birth took place.

(*d*) *For persons of English, Scottish, or Irish parentage born on board British ships since the dates mentioned in* (*a*), (*b*), *and* (*c*) *respectively.*—From the General Register Office, London, Edinburgh, or Dublin, according to parentage.

(*e*) *For persons born in India of European parents.*—From the Director of Funds, India Office London, S.W. [These are Certificates of *Baptism*, but they usually furnish the date of birth and are then accepted as Certificates of *Birth*.]

Any Candidate who cannot produce a Certificate of Birth from one of the authorities named should, if possible, procure a Certificate of Baptism, and should then apply to the Secretary, Civil Service Commission, for further instructions.

CIVIL SERVICE OF INDIA.

OPEN COMPETITION OF 1900.

SELECTION OF SUBJECTS TO BE FILLED UP AND RETURNED WITH THE FORM OF APPLICATION.

*** *Place your Initials against the Subjects which you select, and sign your name in the place indicated on the next page.*

INITIALS.	
....	English Composition.
....	Sanskrit Language and Literature.
....	Arabic Language and Literature.
....	Greek Language and Literature.
....	Latin Language and Literature.

....	English Language and Literature.
....	† French Language and Literature.
....	† German Language and Literature.
....	Mathematics (pure and applied).
....	Advanced Mathematical Subjects (pure and applied).
	Natural Science, *viz.*:
....	‡ Elementary Chemistry and Elementary Physics. (*N.B.*—This subject may not be taken up by those who offer either Higher Chemistry or Higher Physics.)
....	‡ Higher Chemistry.
....	‡ Higher Physics.
....	‡ Geology.
....	‡ Botany.
....	‡ Zoology.
....	‡ Animal Physiology.
....	Greek History.
....	Roman History.
....	English History.
....	General Modern History. Period ____________
....	Logic and Mental Philosophy.
....	Moral Philosophy.
....	Political Economy and Economic History.
....	Political Science.
....	Roman Law.
....	English Law.

In addition to the Written Examination there will be an Oral Examination in each of the subjects marked thus †, *and a Practical Examination in each of the subjects marked thus* ‡.

The Oral Examinations in Modern Languages being intended as colloquial *tests, no marks will be given at them to Candidates who are not able to converse.*

Any Candidate, who wishes to decline *the Oral Examination or the Practical Examination in any of the subjects selected by him, should state this in the blank space below—*

Signature ______________________

Date ______________________

To the Secretary,
Civil Service Commission,
68, Victoria Street,
London, S. W.

[Copies of this paper may be obtained on application to the Secretary to the Government of India in the Home Department.]

CIVIL SERVICE OF INDIA.

CLERKSHIPS (CLASS I) IN THE HOME CIVIL SERVICE; AND EASTERN CADETSHIPS.

SYLLABUS showing the extent of the Examination in certain subjects.

English Composition.—An Essay to be written on one of several subjects specified by the Civil Service Commissioners on their Examination Paper.

English Language and Literature.—The Examination will be in two parts. In the one the Candidates will be expected to show a general acquaintance with the course of English Literature, as represented (mainly) by the following writers in verse and prose, between the reign of Edward III and the accession of Queen Victoria :

Verse—Chaucer, Langland, Spenser, Shakespeare, Milton, Dryden, Pope, Gray, Collins, Johnson, Goldsmith, Crabbe, Cowper, Campbell, Wordsworth, Scott, Byron, Coleridge, Shelley, Keats.

Prose—Bacon, Sir Thomas Browne, Milton, Cowley, Bunyan, Dryden, Swift, Defoe, Addison, Johnson, Burke, Scott, Macaulay (Essays and Biographies).

A minute knowledge of the works of these authors will not be looked for in this part of the Examination, which will, however, test how far the Candidates have studied the chief productions of the greatest English writers *in themselves* and are acquainted with the leading characteristics of their thought and style, and with the place which each of them occupies in the history of English Litera, ture. Candidates will also be expected to show that they have studied in these authors the history of the English Language in respect of its vocabulary, syntax, and prosody.

The other part of the Examination will relate to one of the periods named below, which will follow each other year by year in the order indicated.

1.	A.D. 1360 to A.D. 1600.
(1900)	[Chaucer to Spenser.]
2.	A.D. 1600 to A.D. 17
(1901)	[Shakespeare to Dryden.]
3.	A.D. 1700 to A.D. 1800.
(1902)	[Pope to Cowper.]
4.	A.D. 1800 to A.D. 1832.
(1903)	[Nineteenth Century writers to the death of Scott.]

The Examination in this part will require from Candidates a more minute acquaintance with the history of the English Language and Literature, as illustrated in the chief works produced in each period, and will be based to a considerable extent, but by no means exclusively, on certain books specified each year by the Commissioners.* The names placed under the dates are intended to suggest the general character of the literary development of the period, and, consequently, the natural limits of the Examination. All the works of Shakespeare, for example, will be regarded as falling within the period 1600 to 1700; all the works of Swift within the period 1700 to 1800; all the works of Scott and Wordsworth, and all the works of Macaulay within the period 1800 to 1832.

French Language and Literature.—Translation from French into English, and from English into French. Critical questions on the French Language and Literature.

German Language and Literature.—Translation from German into English, and from English into German. Critical questions on the German Language and Literature.

Latin Language and Literature.—Translation from Latin into English, Composition in Prose and Verse, or (as an alternative for Verse-Composition) a Latin Essay or Letter. Critical questions on the Latin Language (including questions on Philology) and Literature.

Greek Language and Literature.—Translation from Greek into English, Composition in Prose and Verse, or (as an alternative for Verse-Composition) a Greek Dialogue or Oration. Critical questions on the Greek Language (including questions on Philology) and Literature.

Sanskrit Language and Literature.—Translation from Sanskrit into English, and from English into Sanskrit. History of Sanskrit Literature (including knowledge

* The books for 1900 are:—

Spencer: Færy Queen. Books II and V.
Shepherd's Kalendar.
Chaucer: Legend of Good Women.
Prologue to Canterbury Tales.
Langland: Piers Plowman.
Lyly: Euphues.
Latimer: Sermons.
James I of Scotland: King's Quhair.

of such Indian history as bears upon the subject); Sanskrit Grammar; Vedic Philology.

Arabic Language and Literature.—Translations as in Sanskrit; History of Arabic Literature (including knowledge of such Arabic History as bears upon the subject); Arabic Grammar; Arabic Prosody.

English History.—General questions on English History from A.D. 800 to A.D. 1848; questions on the Constitutional History of England from A.D. 800 to A.D. 1848.

General Modern History.—Candidates may, at their choice, be examined in any one of the following periods:

1. From the accession of Charlemagne to the Third Crusade.
   [A.D. 800 to A.D. 1193.]
2. From the Third Crusade to the Diet of Worms.
   [A.D. 1193 to A.D. 1521.]
3. From the Diet of Worms to the death of Louis XIV.
   [A.D. 1521 to A.D. 1715.]
4. From the accession of Louis XV to the French Revolution of 1848.
   [A.D. 1715 to A.D. 1848.]

Periods 3 and 4 will include Indian History.

Greek History.—Questions on the General History of Greece to the death of Alexander; questions on the Constitutional History of Greece during the same period.

Roman History.—Questions on the General History of Rome to the death of Vespasian; questions on the Constitutional History of Rome during the same period.

In Greek and Roman History candidates will be expected to show a knowledge of the original authorities.

Mathematics.—Pure, Mathematics:—Algebra, Geometry (Euclid and Geometrical Conic Sections), Plane Trigonometry, Plane Analytical Geometry (less advanced portions), Differential Calculus (Elementary), Integral Calculus (Elementary).

Applied Mathematics:—Statics, Dynamies of a Particle, Hydrostatics, Geometrical Optics; all treated without the aid of the Differential or Integral Calculus.

Advanced Mathematics.—Pure Mathematics:—Higher Algebra, including Theory of Equations, Plane and Spherical Trigonometry, Differential Calculus, Integral Caculus, Differential Equations, Analytical Geometry, Plane and Solid.

Applied Mathematics:—Statics including Attractions, Dynamics of a Particle, Rigid Dynamics, Hydrodynamics, the Mathematical Theory of Electricity and Magnetism.

Political Economy and Economic History.—Candidates will be expected to possess a knowledge of economic theory as treated in the larger text-books, also a knowledge of the existing economic conditions, and of statistical methods as applied to economic inquiries, together with a general knowledge of the history of industry, land tenure and economic legislation in the United Kingdom.

Logic and Mental Philosophy (Ancient and Modern).—Logic will include both Deductive and Inductive Logic. Mental Philosophy will include Psychology and Metaphysics.

Political Science.—The Examination will not be confined to Analytical Jurisprudence, Early Institutions, and Theory of Legislation, but may embrace Comparative Politics, the History of Political Theories, &c.

Candidates will be expected to show a knowledge of original authorities.

CIVIL SERVICE COMMISSION,
June, 1899.

JUDICIAL.

The 11th August, 1899.

No. 1118.—In exercise of the powers conferred by section 22 of the Indian Petroleum Act, 1899 (VIII of 1899), the Governor-General in Council is pleased to apply to carbide of calcium the provisions of sections 5, 6, 8 to 10, 12 to 18, 23 and 24 of the said Act and to fix 5 lbs. as the limit of the quantity of carbide of calcium which, under section 5 of the said Act, as applied by this Notification, may not be imported, transported, or kept without a license, and to fix 5 lbs. as the limit of the quantity of carbide of calcium which, under-section 6 of the said Act, may be transported, or kept by any one person, or on the same premises, without a license.

In exercise of the powers conferred by section 8 of the said Act the Governor General in Council is further pleased to make the following rules :—

1. Carbide of calcium kept or transported without a license, under section 6 of the said Act, as applied by this Notification, shall be kept in separate substantial hermetically closed metal vessels containing not more than 1 lb. each.

2. Carbide of calcium (*a*) which is imported or is kept at any place after seven days from the date of its importation, or (*b*) which is transported, or (*c*) which is sold or exposed for sale, shall be contained in hermetically closed metal vessels, having attached thereto labels in conspicuous characters stating the description of the carbide of calcium with the addition of the words " Dangerous if not kept dry and liable, if brought into contact with moisture, to give off a highly inflammable gas " and with the addition, (*d*) in the case of a vessel kept, of the name and address of the consignee or owner; (*e*) in the case of a vessel transported, of the name and address of the sender; and (*f*) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 11th August, 1899.

LONDON GAZETTE.

No. 882.—The following extracts are published for general information :

" London Gazette," dated the 18th July 1899, pages 4446 and 4447.

INDIA OFFICE;

11th July, 1899.

* * * * * * * *

The Queen has also approved of the retirement from the service of the under-mentioned officers :

BENGAL INFANTRY.

Major-General Louis Henry Emile Tucker, C. I. E., unemployed supernumerary list. Dated 27th April 1899.

* * * * * a * *

PROMOTIONS.

INDIAN STAFF CORPS.

No. 885.—The following promotions are made, subject to Her Majesty's approval :

Majors to be Lieutenant-Colonels.

9th August 1899.

* * * * * * * *

Francis William Egerton.

* * * * * * * *

VOLUNTEER CORPS.

MEDALS AND DECORATIONS.

No. 890.—The undermentioned members of the Volunteer Force are granted the Volunteer Long Service Medal under the provisions of clause 152, India Army Circulars of 1895:

* * * * * * * *

1st Punjab Volunteer Rifles.

Sergeant A. E. P. Rae.

* * * * * * * *

North-Western Railway Volunteer Rifles.

Color-Sergeant H. Pringle.

Staff-Sergeant C. Kelly.

Corporal G. Jones.

Volunteer J. Reynolds.

* * * * * * * *

No. 895.—*North-Western Railway Volunteer Rifl.s*—

Lieutenant Edmund Kearsley Horsfall to be Captain, with effect from the 26th June 1899, *vice* Keene, transferred to the supernumerary list.

Second-Lieutenant Roderick Korneli Biernacki to be Lieutenant, with effect from the 26th June 1899, *vice* Horsfall, promoted.

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 7th August, 1899.

No. 333.—Mr. Roderick August O'Connor is appointed to the Superior Accounts Branch as an Assistant Examiner of Accounts, 3rd Grade, on probation, and is posted to the Office of the Examiner, Public Works Accounts, Punjab.

T. HIGHAM,
Joint Secretary to the Government of India.

HOME DEPARTMENT.

EXAMINATIONS.

Simla, the 5th August, 1899.

THE following Notice is published for general information :—

GONVILLE AND CAIUS COLLEGE, CAMBRIDGE.

RUSSIAN SCHOLARSHIP.

A scholarship of at least £ 40 a year, tenable for two years, will be offered for competition among members of the College in their second, third or fourth year of residence for proficiency in the Russian language. Candidates must be British subjects of British descent who (1) have been educated at a Public School in the United Kingdom, or (2) are sons of persons holding appointments abroad in the British Public Service. They must be or have been candidates for a Tripos and must have attained a creditable position in the Annual College Honours Examinations.

The standard of examination for the Scholarship in Russian will be such as may reasonably be expected of candidate who have studied Russian for one year under the University Teacher of Russian. The Scholar elected will be required from time to time to pass further tests in Russian. The Scholarship may in certain cases, at the discretion of the Governing Body, be held with another Foundation or an Exhibition.

A. H. L. FRASER,
Offg. Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 24, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 19TH, 1899.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

PENSIONS AND GRATUITIES.

No. 3824-*P*.

Simla, the 18th August, 1899.

RESOLUTION.—By the Government of India, Finance and Commerce Department.

READ—

Despatch to Her Majesty's Secretary of State for India, No. 142, dated the 1st June 1897.

Despatch from Her Majesty's Secretary of State for India, No. 125 (Financial), dated the 29th July 1897.

RESOLUTION.—In accordance with instructions received from Her Majesty's Secretary of State, the Governor-General in Council has approved of the institution of a Provident Fund for officers of the Police Department throughout India of or above the rank of Assistant District Superintendent. The Government of India do not consider it desirable to make subscription to the Fund obligatory in the case of officers already in the service, except when such an officer being already married, or subsequently marrying, fails to make adequate provision for his family in other ways. In the case of officers thus exempted, whether married or unmarried, deposits will be voluntary and may be discontinued or renewed at the option of the depositor. Subscription to the Fund will, however, be obligatory in the case of all officers joining the service after the date of this Resolution.

2. The rules under which the Fund will, for the present, be conducted are attached to this Resolution.

3. Subscriptions to the Fund should first be made on salaries becoming due on the 1st of October 1899.

ORDER.—Ordered, that this Resolution be forwarded to the Home Department, with reference to the Office Memorandum from that Department, No. 358, dated the 27th

July 1899; to all Local Governments and Administrations; to the Comptroller and Auditor-General; and to all Accountants-General and Comptrollers (except Comptroller, Post Office) for information.

Ordered, also, that the Resolution be published in the *Gazette of India*.

POLICE OFFICERS' PROVIDENT FUND.

1. *Preamble.*

I.—The institution of a Provident Fund under the conditions specified in Rule II is sanctioned for officers of the Police Department throughout India of or above the rank of Assistant District Superintendent.

2. *Qualifications.*

II.—The following officers will be required to subscribe to the Fund:

(*a*) All officers appointed in future, whether married or unmarried, from the date of their appointment.

(*b*) All *married* officers already in the service, excepting those who may be specially exempted under the orders of the Local Government in each case on production of evidence to the satisfaction of the Local Government that their families are adequately secured against want by subscription to the Uncovenanted Service Family Pension Fund, or in other suitable manner.

Note.—For the purposes of this rule the term "married officers" includes widowers with children, but excludes widowers without children. The latter are held to be "unmarried" for the purpose of Rule II (*c*).

(*c*) Officers at present in the service and now unmarried, on their marrying, except as provided in Rule II (*b*) above.

III.—Officers who are exempted from subscribing to the Fund under Rule II (*b*) shall be required to produce annually such evidence as shall satisfy the Local Government that the provision on account of which exemption is claimed is duly continued.

IV.—Officers already in the service, other than those required to subscribe under clauses (*b*) and (*c*) of Rule II, shall have the option of subscribing to the Fund. Inspectors on the A list in Burma, being eligible for promotion to be Assistant Superintendents, are allowed to subscribe to the Fund. Officers with whom subscription to the Fund is optional may also discontinue or renew their subscriptions at their option.

3. *Subscriptions.*

V.—The conditions under which officers will join the Fund are as follows:

(1) The monthly deposit may not be less than 5 per cent. or more than 10 per cent. on the salary (as defined in the Civil Service Regulations) of each depositor for the month.

(2) An officer on leave of any kind may at his option subscribe any sum he pleases, subject to a minimum of 5 per cent. on his leave allowances and maximum of 10 per cent. on the salary he drew when last on duty.

Receipts of deposits.

VI.—Deposits will be recovered by deduction from bills, except in the following cases in which they may be made in cash in India:

(1) When an officer draws his leave allowances out of India.

(2) When an officer is on leave without allowances.

(3) When an officer is in foreign service. This does not apply to officers serving in Berar.

Cash subscriptions must be remitted by depositors to the Secretary of the Fund. Receipts and payments will be made in rupees only.

Arrear subscriptions of voluntary deposits are never allowed. Arrear subscriptions are permissible in the case of compulsory deposits and their recovery will be enforced even though it may result in a recovery in excess of the limit of 10 per cent. of the salary from which it is actually made.

4. Benefits.

VII.—Compound interest at 4 per cent. on the payments made will be annually credited by Government to each officer subscribing. The Government may at any time, at its option, and without giving any right to withdrawal of subscriptions, reduce the rate of interest to any rate not less than half per cent. in excess of that at which it is raising rupee loans in India.

Interest.

VIII.—Interest will be allowed for each calendar month upon the minimum balance of the depositor's account between the close of the fourth day and the end of the month. In calculating interest under this rule the deposits received by deduction from salary will be considered as paid into the Fund on the 1st of the month succeeding that for which the salaries from which the deductions are made are due. The interest will be calculated monthly, but will not be added to principal until the end of the official year, except when the account is to be finally closed on account of the depositors dying or quitting the service. Interest will be allowed up to the end of the month in which the depositor dies, or which immediately precedes that in which he quites the service, whether the balance at credit is withdrawn before or after the end of that month.

IX.—As exceptions to the rule that subscriptions realised by deduction from pay bills are to be considered for the purpose of calculating interest as paid into the Fund on the 1st of the month succeeding that for which the salaries from which the deductions are made are due:

(1) Deductions made from salaries paid in advance owing to transfer or long leave out of India are to be considered in the case of the former as having been made on the date on which an officer is relieved of his duties, and in the case of the latter, as having been made on the date on which the Account Office pays up an officer prior to embarkation.

(2) Deductions from salaries paid in arrears in consequence of promotion given with retrospective effect should be considered as having been made on the first of the month in which the arrears are drawn.

In the case of reversions made with retrospective effect, the write-back of the amount originally recovered in conformity with the rules should be considered as having been made on the first of the month in which the recovery is effected.

X.—The sum which will thus accumulate to the credit of an officer will be his absolute property, to be handed over to him unconditionally on quitting the service, or in the event of his death before retirement, to his legal representatives. Government will not be bound by or recognize any assignment or trust executed or attempted to be created by any officer during his lifetime, and will only make payments (1) during the lifetime of the officer on his own receipt; (2) after his death in accordance with Rule XI below.

XI.—The balances of deceased depositors are regulated by the Indian Succession Act (X of 1865), the Administrator General's Act (II of 1874) and the Succession Certificate Act (VII of 1889) in cases where the balance at credit of the deceased member exceeds two thousand rupees; and in cases where the balance at credit does not exceed two thousand rupees, by section 3 of the Provident Funds Act (IX of 1897) which is quoted below:

Section 3.—(1) When a subscriber to, or depositor in, any Government or Railway Provident Fund dies, and the sum standing to his credit in the books of the Fund does not exceed two thousand rupees, the officer or person whose duty it is to make payment of such sum may pay it as follows:

(*a*) He may pay it to any person entitled to receive it according to the rules of the Fund or, in the absence of any rule of the Fund to the contrary, to any person nominated in writing by the deceased subscriber or depositor to receive it;

(*b*) in any case not hereinbefore provided for, he may pay it to any porson appearing to him to be entitled to receive it.

(2) The provisions of sub-section (1) shall apply to any such sum which, at the commencement of this Act, stands to the credit of any subscriber or depositor already deceased.

(3) Nothing in this section shall affect the validity of the rules of any Fund in so far as such rules may provide for the disposal of sums exceeding two thousand rupees.

5. Advances.

Withdrawals.

XII.—No withdrawal will ordinarily be allowed from the deposit until the depositor quits the service or dies. But on the Local Government being satisfied that the pecuniary circumstances of a depositor are such that the indulgence is absolutely necessary, a deposit may be temporarily withdrawn under orders issued by the Local Government—

(*i*) to pay for the passage of the depositor going on leave out of India on medical certificate or returning after such absence;

(*ii*) to pay for the passage of any member of the depositor's family coming from beyond the sea to join him, or going beyond sea, sick, or from some urgent cause.

XIII.—Before authorising a withdrawal under the above rule, the Local Government should ascertain from the Account Officer that the withdrawal is covered by the amount at credit, and no payment may be made, save under the orders of the Account Officer.

XIV.—Withdrawals under Rule XII will be recovered in twenty equal monthly instalments compulsorily deducted from salary in addition to contributions under Rule V, whenever full salary is drawn until the whole is refunded. Such instalments may be paid in advance.

6. Procedure.

Administration of the Fund.

XV.—The deposits received under the foregoing rules will be credited on the books of the Government to an account named "Police Officers' Provident Fund." The administration of the Fund will rest with the Government of India in the Home Department. The Account Officer oi each Province will be the Secretary of the Fund for that Province, and will keep the Fund accounts for all officers in that Province as well as for officers on foreign service whose contributions on account of leave and pension are payable to him.

Note.—The Accountant-General, Bengal, will be the Account Officer for Police Officers employed in Assam.

XVI.—A depositor must, when paying his subscription, whether his subscriptions to the Fund are recovered by deduction from bills, or paid in cash, specify the number of his account which will be communicated to him by the Account Officer by whom his account is opened.

Yearly advice to depositors.

XVII.—As soon as possible ofter the close of each year, each depositor will receive a statement of his account with interest made up to 31st March. Depositors are required to satisfy themselves as to the correctness of these statements; and, unless errors in them are brought to the notice of the officer rendering the account within one month from the date of their receipt, Government will not be responsible for any sums not thus acknowledged.

XVIII.—Any depositor may, once in the official year, but not oftener, receive, on application to the Account Officer concerned, a copy of his account for the last official year and for so many months of the current year as may have been posted and agreed.

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 18th August, 1899.

PROMOTIONS.

INDIAN STAFF CORPS.

No. 906.—The following promotions are made, subject to Her Majesty's approval:

Captains to be Majors.

13th August 1899.

* * * * * * * *

James Robert Dunlop-Smith.

* * * * * * * *

Thomas Henry Bairnsfather.

* * * * * * * *

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 18th August, 1899.

No. 356.—Mr. A. B. Phelan, Superintending Engineer, 1st Class, temporary rank, Punjab, is appointed to officiate as Chief Engineer and Secretary to that Government in the Public Works Department, Irrigation Branch, with effect from the afternoon of the 10th August 1899, during the absence of the Honourable Mr. J. S. Beresford on privilege leave, or until further orders.

Mr. R. A. Molloy, Executive Engineer, 1st Grade, Punjab, is appointed to officiate as a Superintending Engineer, *vice* Mr. Phelan.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 31, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 26TH, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 25th August, 1899.

No. 1877.—In accordance with the provisions of Section 18, sub-section (1), of the Indian Explosives Act, 1884, and with the directions contained in Home Department Notification No. 1964, dated the 2nd September 1887, the Governor-General in Council is pleased to publish, for general information, the following draft rule which it is proposed to substitute for Rule 6-VI (*e*) of the rules to regulate the transport and importation of explosives, published with the Notification of the Government of India in the Home Department, No. 1393, dated the 8th July 1897.

The draft will be taken into consideration on or after the 28th October 1899:—

Draft Rule.

6-VI (*e*).—Explosives may be carried by mixed trains on any line on which goods trains are not running, subject to the conditions that *they are loaded in properly constructed powder vans;* that not more than one *powder van* containing explosives is forwarded at any one time by a mixed train; *that there are not less than three vehicles between the powder van and either the engine or the passenger coaches; that the powder van is close-coupled to the adjoining vehicles;* and that directly a *powder van* containing explosives arrives at a section on which goods trains are running, it is detached from the mixed train.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

STATISTICS AND COMMERCE.

CUSTOMS.

Simla, the 23rd August, 1899.

No. 3934-*S.R.*—In exercise of the power conferred by sub-section (2) of Section 8 A of the Indian Tariff Act, 1894 (VIII of 1894, as amended by Acts III of 1896 and XIV of 1899), and in supersession of the rates of additional duty on the kinds of sugar mentioned against Germany in the Notification in this Department, No. 1327-S.R., dated the 20th March 1899, the Governor-General in Council is pleased to declare that the rates shall be revised as follows, with effect from the date of this Notification :—

For

Kinds of sugar.	Bounties bestowed.	Additional duties to be levied. Per cwt. Rs. A. P.
Raw sugar of at least 90 per cent. polarization and refined sugar under 98 per cent., and of at least 90 per cent., polarization.	2·50 marks per 100 kilograms.	0 15 3
Candy and sugar in white, hard loaves, blocks, crystals, etc., of at least 99½ per cent. polarization.	3·55 marks per 100 kilograms.	1 6 0
All other sugar of at least 98 per cent polarization	3 marks per 100 kilograms.	1 2 0

Read

Kinds of sugar.	Bounties bestowed.	Additional duties to be levied. Per cwt. Rs. A. P.
Raw sugar of at least 90 per cent. polarization	2·40 marks per 100 kilograms.	0 14 7
Refined sugar under 98 per cent., and of at least 90 per cent., polarization.	2·50 marks per 100 kilograms.	0 15 3
Candy and sugar in white, hard loaves, blocks, crystals, etc., of at least 99½ per cent. polarization.	3·55 marks per 100 kilograms.	1 6 0
All other sugar of at least 98 per cent. polarization	3 marks per 100 kilograms.	1 2 0

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 25th August, 1899.

PROMOTIONS.

INDIAN STAFF CORPS.

No. 954.—The following promotions are made, subject to Her Majesty's approval:

Lieutenants to be Captains.

22nd August 1899.

* * * * * * * *

John Graham Crosthwaite.

* * * * * * * *

Cecil Patton Down.

* * * * * * * *

Denys Brooke Blakeway.

* * * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS AND RESIGNATIONS.

No. 974.—*North-Western Railway Volunteer Rifles*—

Colonel Maule Campbell Brackenbury, C. S. I., resigns his commission, with effect from the 24th June 1899.

P. J. MAITLAND, *Major-General,*
Secretary to the Government India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 19th August, 1899.

No. 357.—With reference to Public Works Department Notification No. 107, dated the 15th March 1899, the services of Brevet Colonel J. W. Thurburn, R.E., Superintending Engineer, 2nd Class, temporary rank, Punjab, were replaced at the disposal of that Government, with effect from the 22nd June 1899.

T. HIGHAM,
Joint Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED AUGUST 26TH, 1899.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ACCEPTANCE BY MEDICAL OFFICERS OF A PECUNIARY OR OTHER GIFT IN RECOGNITION OF THEIR SERVICES.

No. 1812—36.

Extract from the Proceedings of the Government of India in the Home Department (Public),—under date Simla, the 19th August 1899.

Read again—

Despatch from Her Majesty's Secretary of State for India, No. 32, dated the 4th June 1873.

Read also—

Home Department Resolution No. 729—53, dated the 6th May 1898, republishing the rules prohibiting the receipt of testimonials and addresses by servants of Government.

RESOLUTION.

IN the Despatch of June 1873, read in the preamble, the Secretary of State ruled that a Medical Officer may, as an exception to the general rule, receive purses and other such testimonials from communities, but may not receive an address unless the Government under which he serves has previously permitted its presentation. These orders are

embodied in Rule 5 of the rules republished with the Resolution of May 1898 read in the preamble. The rule mentions pecuniary recognition only, and the point has been raised whether it should also be made to cover cases in which either the donors or the Medical Officer himself prefer that the presentation should take some other form than a gift of money. The Governor-General in Council is of opinion that the exception is meant to apply to such cases, and is therefore pleased to direct that Rule 5 shall be altered as follows:

Medical Officers are not prohibited from receiving a pecuniary or other gift in recognition of their services from a community or body of persons which may desire to acknowledge these; but the previou sanction of the Local Government or Administration must be obtained by Medical Officers before receiving any public complimentary address.

(*a*) Government of Madras.
Government of Bombay.
Government of Bengal.
Government of the North-Western Provinces and Oudh.
Government of the Punjab.
Government of Burma.
Chief Commissioner of the Central Provinces.
Chief Commissioner of Assam.
Chief Commissioner of Coorg.
Resident at Hyderabad.
(*b*) Foreign Department.
Financial Department.
Military Department.
Public Works Department.
Legislative Department.
Department of Revenue and Agriculture.
(*c*) Superintendent of Port Blair.
Director-General of the Indian Medical Service.
Sanitary Commissioner with the Government of India.
Secretary to the Board of Examiners.
Registrar of the Calcutta University.
Bishop's Chaplain.
Registrar, High Court, Calcutta.
Officer in charge of the Records of the Government of India.

ORDER.—Ordered, that a copy of this Resolution be forwarded to (*a*) all Local Governments and Administrations, (*b*) all Departments of the Government of India, and (*c*) all Heads of Departments subordinate to the Home Department, and that the Resolution be published in the *Gazette of India* for general information.

[True Extract.]

A. H. L. FRASER,

Officiating Secy. to the Govt. of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 7, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 2, 1899.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 1st September, 1899.

No. 866-*M.*—His Excellency the Viceroy and Governor-General will leave Simla at 10 A. M. on Monday, the 23rd October 1899, visit Delhi, Jaipur, Udaipur, Ajmir, Mount Abu, Jodhpur, Bikanir, Deoli, Bundi, Kotah, Bhopal, Gwalior, Dholpur, Agra, Muttra, Brindaban, Dig, Bhurtpur, Cawnpur, Lucknow, and Benares, and arrive in Calcutta on Monday, the 18th December 1899.

By Command,

ARTHUR SANDBACH, *Lieut.-Col.*,

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Simla, the 1st September, 1899.

No. 1478.—The services of Captain E. Wilkinson, F. R. C. S., I. M. S. (Bengal), are placed permanently at the disposal of the Government of the Punjab, with effect from the 23rd February 1899.

No. 1480.—*Erratum.*—In modification of the orders contained in Home Department Notification No. 1747, dated the 20th December 1898, the services of Captain A. W. T. Buist, M. B., C. M., I. M. S. (Bengal), are placed permanently at the disposal of the Government of the Punjab, with effect from the 29th April 1898.

No. 1481.—The services of Captain H. Smith, M. D., M. CH., I. M. S. (Bengal), are placed permanently at the disposal of the Government of the Punjab, with effect from the 30th November 1898.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 29th August, 1899.

No. 1403 *G.*—The undermentioned officer is granted leave out of India, on medical certificate, under the leave rules for the Staff Corps; the specified period to count from the date of being struck off duty:—

Lieutenant R. E. A. Hamilton, Indian Staff Crops, a Supernumerary Assistant Commissioner in the Punjab, for twelve months.

Pension service—ninth year, commenced 8th November, 1898.

H. S. BARNES,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 29th August, 1899.

No. 366 —The Governor-General in Council is pleased to order the following promotions to and in the classes of Chief and Superintending Engineers, with effect from the dates specified :

Names.	From	To	Nature of promotion.	With effect from
* *	* *	* *	* *	* *
Thurburn, Brevet-Colonel J. W., R. E.	Executive Engineer, 1st Grade, and Superintending Engineer, 2nd Class, temporary rank.	Superintending Engineer, 2nd Class, and Superintending Engineer, 1st Class.	Permanent ... Temporary ...	25th July. 25th July.
* *	* *	* *	* *	* *

The 1st September 1899.

No. 369.—The undermentioned passed students of the Engineer Class of the Thomason Civil Engineering College, Roorkee, having satisfactorily completed their course of practical training, are appointed to the Provincial Service of the Engineer Branch of the Public Works Department as Assistant Engineers, 3rd Grade, with effect from the date noted against each, and are posted to the Punjab:

Mr. Joseph Benjamin Smith,—18th August 1899.

Mr. Bhagvati Prasad Verma,—8th August 1899.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 14, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA" DATED SEPTEMBER 2, 1899.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

EXECUTION OF CONTRACTS FOR THE COMMISSARIAT DEPARTMENT.

NOS. 1222—1238.

Extract from the Proceedings of the Government of India in the Home Department (Judicial),—under date Simla, the 25th August, 1899.

Read again—

Resolution of the Government of India in the Home Department, No. $\frac{\text{3-Judicial}}{485-501}$, dated the 28th March 1895, on the subject of the execution of deeds, contracts and other instruments on behalf of Her Majesty's Secretary of State for India in Council.

Read also—

Memorandum from the Military Department, No. 1585-F., dated the 23rd June 1899, and enclosures, regarding the amendment of the above-mentioned Resolution so far as it relates to Commissariat Contracts.

RESOLUTION.

IN exercise of the power conferred by section 2 of the East India Contracts Act, 1870 (33 and 34 Vict., Cap. 59), and of all other powers enabling him in this behalf, the Governor-General in Council in pleased, in supersession of the orders contained in Part B-III of the Resolution cited in the preamble, to declare that the undermentioned classes

of deeds, contracts and other instruments referred to in section 1 of the Government of India Act, 1859 (22 and 23, Vict., Cap. 41), may be executed as follows:

"III.—Contracts for the Commissariat Department as detailed below:

[*Note.*—When tenders are expressly declared to be intended to take effect as contracts, they will not be executed on behalf of the Secretary of State.]

I. Articles of Agreement with Government servants, whom the officers specified have power to appoint. II. Contracts for supplies and services to, and purchases from, the Commissiariat-Transport Department.	By the Secretary to the Government of India, Military Department, and, subject to any limits for the time being fixed in Army Regulations, India, Volume V (Commissariat-Transport), Commissaries General, Chief Commissariat Officers, Commissariat Store-keepers-General and Executive Commissariat Officers."

ORDER.—Ordered that the above Resolution be communicated to Local* Governments and Administrations and the several Department of the Government of India for information; and that it be aslo published in the Supplement to the *Gazette of India*.

*Madras
Bombay.
Bengal.
North-Western Provinces and Oudh.
Punjab.
Burma.
Central Provinces.
Assam.
Coorg.
Berar.

[True Extract.]

A. H. L. FRASER,

Offg. Secy. to the Govt. of India.

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 9, 1899.

MILITARY SECRETARY'S OFFICE.

NOTIFICATIONS.

Simla, the 8th September, 1899.

No. 904-*M*.—The following Rules for Levées held by His Excellency the Viceroy and Governor-General at Calcutta and Simla are published for general information:

I.—The following are entitled to attend His Excellency the Viceroy's Levée:

All gentlemen, whether European or Native, who have been presented at the Court of St. James or at the Viceregal Court.

II.—The following are eligible for presentation at His Excellency's Levée, whether European or Native:

(*a*) All Gazetted Officers in Government employ.

(*b*) All Commissioned Officers in Naval, Military and Marine Services.

(*c*) All Ruling Chiefs.

(*d*) All gentlemen who have received titles of honour from Her Majesty the Queen-Empress or His Excellency the Viceroy.

III.—Gentlemen who have not already been presented at the Court of St. James or at the Viceregal Court, and who desire to be presented at His Excellency's Levée, must submit their applications through the gentlemen proposing to present them. In the case of all Government officials the presentor should ordinarily be the Head of the Department.

These applications should reach the Military Secretary's Office at least a fortnight before the date announced for the Levée.

The names will then be submitted to His Excellancy, when, if approved, presentation cards will be forwarded.

IV.—Applications for permission to be presented, submitted by non-official gentlemen, whether European or Native, will, as a general rule, be referred by the Military Secretary to the Viceroy to the Local Government in the Political Department. Only those who are declared eligible on account of their social status will be permitted to attend.

V.—Questions as to the presentation of officials in the Viceregal Household will be specially decided by the Military Secretary to the Viceroy irrespective of the above rules.

VI.—All gentlemen who are entitled to attend the Levées held by the Governor-General are also entitled to present others, and are held personally responsible for the eligibility of their presentees. Gentlemen who present others must themselves attend the Levée.

VII.—Gentlemen entitled to wear uniform will appear in Full Dress.

VIII.—Clergymen being University Graduates and other gentlemen entitled to wear robes or gowns on account of Judic ial or Academical office or status and not entitled to wear uniform will appear in such robes or gowns.

IX.—Gentlemen not entitled to wear uniform, or robes or gowns, will appear in Evening Dress.

X.—Native gentlemen who do not appear in the dress prescribed above will wear Choga, Aba or Jubba and Chapkan, Chilta, Saya or Kaba with trousers and their distinctive National head dress, or the ceremonial dress approved for their class by the Local Government.

In the case of Bengali gentlemen the head dress should be a Pugree generally known as Shamla or Mouratta, and not a brimless cap.

In the case of Burmese gentlemen, the head dress should be a white fillet, the hair being dressed in a top knot.

Native gentlemen who do not appear in the dress prescribed in rules VII, VIII and IX should not remove their head dress when they pass His Excellency.

At the Viceregal Court, only patent leather boots or shoes of an English pattern are allowed to be worn, except in the case of Native Military Officers, who wear the particular style of boot or shoe which forms part of their uniform.

No. 905-*M.*—The following Rules for Levées held by His Excellency the Viceroy and Governor-General at places other than the Head-Quarters of the Imperial Government are published for general information:

I.—The following are entitled to attend His Excellency the Viceroy's Levée:

All gentlemen, whether European or Native, who have been presented at the Court of St. James or at the Viceregal Court.

II.—The following are eligible for presentation at His Excellency's Levée whether European or Native:

(*a*) All Gazetted Officers in Government employ.

(*b*) All Commissioned Officers in Naval, Military and Marine Services.

(*c*) All Ruling Chiefs.

(*d*) All gentlemen who have received titles of honour from Her Majesty the Queen-Empress or His Excellency the Viceroy.

III.—Gentlemen who have not already been presented at the Court of St. James or at the Viceregal Court, and who desire to be presented at His Excellency's Levée, must submit their applications through the gentlemen proposing to present them. In the case of all Government officials the presentor should ordinarily be the Head of the Department.

These applications should be submitted to the Chief Secretary, if the Levée takes place at the Head-Quarters of any Local Government, or in other cases to the Commissioner of the Division in which the Levée is held. They should reach the Secretariat, or the Commissioner's office, as the case may be, at least a week before the date announced for it.

If the Local Government or the Commissioner approves, cards of admittance will be issued by them, and a list of those to whom admittance has been accorded will be submitted to the Military Secretary to the Viceroy.

IV.—All gentlemen who are entitled to attend the Levées held by the Governor-General are also entitled to present others, and are held personally responsible for the eligibility of their presentees. Gentlemen who present others must themselves attend the Levée.

V.—Gentlemen entitled to wear uniform will appear in Full Dress.

VI.—Clergymen being University Graduates and other gentlemen entitled to wear robes or gowns on account of Judicial or Academical office or status and not entitled to wear uniform will appear in such robes or gowns.

VII.—Gentlemen, not entitled to wear uniform, or robes or gowns, will appear in Evening Dress.

VIII.—Native gentlemen who do not appear in the dress prescribed above will wear Choga, Aba or Jubba and Chapkan, Chilta, Saya or Kaba with trousers and their distinctive National head dress, or the ceremonial dress approved for their class by the Local Government.

In the case of Bengali gentlemen the head dress should be a Pugree generally known as Shamla or Mouratta, and not a brimless cap.

In the case of Burmese gentlemen, the head dress should be a white fillet, the hair being dressed in a top knot.

Native gentlemen who do not appear in the dress prescribed in rules V, VI and VII should not remove their head dress when they pass His Excellency.

At the Viceregal Court, only patent leather boots or shoes of an English pattern are allowed to be worn, except in the case of Native Military Officers, who wear the particular style of boot or shoe which forms part of their uniform.

By Command,

ARTHUR SANDBACH, *Lieut.-Col.*,

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 8th September, 1899.

No. 2002.—It is hereby notified for general information that the undermentioned officer will take rank in the Supplementary Graded List of Civil Offices not reserved for Members of the Indian Civil Service, published with the Warrant of Precedence for India in Home Department Notification No. 328, dated the 10th February 1899, in the article of the said Warrant specified after his designation :

The Commissioner of Police, Rangoon, in the first class of the Supplementary Graded List, that is to say, in Article 55 of the Warrant.

ESTABLISHMENTS.

The 7th September, 1899.

No. 511.—Mr. R. G. Thomson has been permitted to resign Her Majesty's Indian Civil Service, with effect from the 1st August, 1899.

EXAMINATIONS.

The 8th September, 1899.

No. 529.—In supersession of the rules published with Home Department Resolution No. $\frac{2}{188-199}$, dated the 5th June 1894, and modified by the orders* noted in the margin, the following Rules for the regulation of appointments in the Secretariat Clerical Service of the Government of India and attached offices are published for general information :

* Home Department Resolution Nos. 186—187, dated the 30th April 1897. Home Department Resolution Nos. 329—340, dated the 2nd June 1899.

1. The Secretariat Clerical Service shall be separated into an Upper and a Lower Division—the former comprising all appointments the pay (or, in the case of appointments carrying progressive pay, the minimum pay) of which is Rs. 200 and upwards; the latter, all appointments (other than those of copyists, to whom these rules do not apply) the pay of which is below that sum. No clerk will be entitled to promotion from the Lower to the Upper Division as a matter of course or otherwise than in accordance with these **rules.**

2. The head of the office concerned shall have an absolute power of selection in the case of appointments of Registrars of offices, Superintendents of branches, Head Assistants, Personal Assistants, or appointments involving the control or supervision over divisions of an office. The remaining appointments in the Upper Division will usually be filled by the head of the office concerned by selection from among the clerks in the Lower Division. If, however, no clerk in the Lower Division of an office is considered fit for promotion to the Upper Division, a vacancy in the latter division shall be filled by nomination.

3. The mode of recruiting two-thirds† of all the appointments in the Lower Division shall be by open competition.‡ The rest of the appointments in this division may be filled in accordance with rules 13 and 14.

4. An examination of candidates for the Lower Division of the Secretariat Clerical Service will be held at Calcutta, Allahabad, and Lahore, and at such other places as may hereafter be appointed, in January of each year. The examination at Allahabad will be confined to persons domiciled § in the North-Western Provinces, Oudh, the Central Provinces, Rajputana and Central India; and that at Lahore, to persons domiciled in the Punjab and Baluchistan. Candidates who desire to compete for vacancies offered for competition at Allahabad and Lahore must prove, to the satisfaction of the Secretary to the Board of Examiners, that they are domiciled in one of the provinces enumerated above, permanent residence in which would entitle them to appear at either of the centres. Natives of Bengal who are temporary residents of, and not domiciled in, any of those provinces, will be permitted to present themselves at the examinations at Allahabad and Lahore, but they will be treated as competing for the vacancies offered at Calcutta, and not for those offered at Allahabad and Lahore.

5. The arrangements for the examination prescribed in the last preceding rule will be made by the Board of Examiners, Fort William, who will be assisted by paid examiners, and act in communication with the Secretary to the Government of India in the Home Department. Before the examination commences, a distinguishing number will be given by the Secretary to the Board of Examiners to each candidate, with which the candidate will mark each of his papers of answers.

6. The nature of the examination for the Lower Division will be as follows :

(1) Dictation and handwriting.

This will be a preliminary test. The examination in these subjects will not be competitive, but marks will be assigned for the purpose of testing proficiency. The papers

† In the case of the Military Department for "two thirds" read "one-third" in this rule, and read rule 13 accordingly.

‡ The head of a department has discretion to fill any vacancy which is not expected to last more than three months in the manner which he considers to be most suitable.

§ The term "domiciled" should be understood in its ordinary legal sence (*vide* the Indian Succession Act, 1865, Part II) and no person can be considered to be domiciled in any of the provinces enumerated unless he has fixed the habitation of himself and his family in that province, not for a mere special or temporary purpose, but with the intention of making it his permanent home.

of candidates will be examined as soon as possible after this examination; and the Examiners will require any candidate who fails to obtain two-thirds marks in each subject to withdraw from the further examination.

	Marks.
(2) English Composition (Essay-writing and Drafting) ...	100
(3) Précis-writing	100
(4) Geography	50
(5) History (English and Indian)	50
(6) Arithmetic; Euclid, 1st Book; Algebra up to Simple Equatious	50

No candidate will be credited with marks in either subject (2) or subject (3) unless he obtains at least one-fourth of the marks in the subject; nor will he be credited with marks in subject (4), subject (5), or subject (6), unless he obtains one-fifth of the marks in the subject. Any candidate obtaining less than one-fourth marks in either subject (2) or subject (3) shall be disqualified. Candidates will not be eligible for the Lower Division of the Financial Department or for the office of the Accountant-General, Military Department (if with referrence to rule 19 below the Department or office adopts these rules), and of the Accountant-General, Public Works Department, unless they obtain at least one-third of the full number of marks in Arithmetic.

7. Every candidate for an appointment in the Lower Division must send a written application for permission to appear at the examination to the Secretary to the Board of Examiners between the date of issue of the Notification announcibg the number of vacancies to be competed for, to which reference is made in rule 9 of the rules, and the 15th December (inclusive).

8. The application under the last rule should be in the form given on the margin, and be accompanied by a treasury receipt, for the sum of Rs. 10. This sum he is required to pay into the treasury nearest his place of residence by way of examination fee. With the application must also be forwarded—

(From.)

To the Secretary to the Board of Examiners, Fort William.

Sir,

I request permission to present myself at the ensuing examination of candidates for appointments in the Lower Division of Government Clerkships. If successful, I should elect to serve in the office of the

A treasury receipt for the fee of Rs. 10 is forwarded herewith.

I am, etc.

(1) Evidence (except in the cases provided for by rule 10) that the candidate at the date of making his application is not less than eighteen and not more than twenty-four years of age. The date of the candidate's birth must be stated.

(2) In case the candidate has been educated at a school in which students' good conduct registers are kept, the candidate's register for the last year of his attendance at school, when a year has not elapsed since he left school. In other cases, a certificate that the candidate is of good moral character from the head of the institution in which he has last been educated, or from some respectable householder to whom he is well known in private life, and who is himself known to a District or Sub-Divisional Magistrate or to the head of some Government office,—this last fact being certified by the countersignature of the officer in question.

(3) If the candidate is employed under Government, a certificate by the head of the office or department to the effect that, in his opinion, there is no objection to the candidate appearing at the ensuing Clerkship Examination.

(4) A statement whether the candidate has appeared at any previous Clerkship Examination, and, if so, in what year.

9. The number of candidates to be selected by the Examiners for the Lower Division will be notified in the *Gazette of India* by the Home Department on or before the 31st October. This number will be determined in communication with the heads of the offices concerned, with reference to the number of vacancies existing or estimated as likely to occur within the course of the following year (and which it is not intended to fill under the provisions of rules 13, 14 and 15), *plus* a margin of 10 per cent. for casualties. One-half the number of vacancies offered will be reserved for candidates domiciled in the North-Western Provinces and Oudh, the Punjab, and the Central Provinces, Rajputana, Central India, and Baluchistan, provided that a sufficient number of duly qualified candidates to fill these appointments appear from those territories.

10. Persons who have at any time held a permanent appointment in any of the offices referred to in these rules, but who may have lost such appointment owing to its abolition or on reduction of establishment, may present themselves for the examination for the Lower Division under these rules, provided they are under forty years of age.

11. As soon as practicable after the open competitive examination for the Lower Division, the Board of Examiners will report the result to the Home Department. The report will take the form of a list giving the names of selected candidates and the exact dates of their births, the distinguishing numbers of unsuccessful candidates, and the number of marks obtained by each candidate whether successful or unsuccessful in each subject of examination. The Home Department will then circulate a list of selected candidates to the heads of the offices concerned. Candidates will be given their choice of departments as far as possible, and the Home Department will intimate such choice, if made, to the head of each office. The head of each Department will, however, be at liberty to offer a vacant appointment which may occur in his Department to any selected candidate remaining on the list. This offer should be made through the Home Department, which will keep each Department of the Government of India informed as the names of selected candidates are removed from the list. No candidate selected in a later year shall be offered an appointment, until the offer has been made to and refused by selected candidates of an earlier year remaining on the list.

12. When an outside candidate for the Lower Division attains the age of twenty-five years, or when two years have expired from the date of the entry of his name on the list or when any candidate has refused the offer of an appointment in the Department in which he has elected to serve, or has twice refused the offer of an appointment in any other Department or Departments, his name shall immediately be removed from the list.

13. Every third vacancy in the Lower Division may be filled by the head of a Department without reference to the preceding rules. *

14. Appointments made under the last preceding rule shall, if the person appointed is not in Government service, be made subject to the conditions that the person appointed—

(a) is at the time of appointment not less than eighteen and not more than twenty-five years of age;

(b) can give satisfactory evidence that he possesses a minimum educational qualification equivalent to the Entrance Standard of one of the Indian Universities;

(c) must produce satisfactory evidence that he is of good moral character.

15. Any officer already in Government employment may be appointed to any vacancy such as is referred to in rule 13, without regard to the qualifications specified in the preceding rule.

16. The heads of offices to which these rules apply are at liberty to arrange transfers from the Lower Division of one office to that of another. The transfer of an officer from a post in an office to which the rules apply, to a vacancy in another office to which these rules also apply, shall, for the purposes of rule 13, be held to be the filling up of a vacancy.

17. Before a person, who is not already in Government service, is actually employed in any office, he must produce a certificate from a Government medical officer of or above the rank of Captain to the effect that he is in good health and of a sound constitution.

18. All candidates for the Lower Division, whether selected by examination or nominated, who receive appointments, and such candidates for the Upper Division as are recruited by nomination, will be on probation for twelve months; and if at any time during that period, or at its close, their work is not considered satisfactory by the head of the office in which they are employed, they will receive their discharge, and will have no claim to gratuity or compensation on that account.

* (1) It is not necessary that the vacancy in question shall be filled by appointment at the bottom of the list. It may be by appointment to any grade (not above that in which the vacancy occurs) the minimum pay of which does not exceed Rs. 100.

(2) The vacancy may be held over until a suitable candidate is found.

19. The above rules will apply to the Secretariat Offices* of the Government of India, except the Foreign Department, and the Finance and Commerce Department, † and the office of the Accountant-General, Military Department, whenever the latter Department or office fill vacancies by recruitment of officers already holding clerical appointments in any Government Account office. When the Finance and Commerce Department and the office of the Accountant-General, Military Department, do not recruit in this manner, the rules will apply. They will also apply to the offices of—

‡ The Director-General, Indian Medical Service, and Sanitary Commissioner with the Government of India,

The Surveyor-General of India,

The Inspector-General of Forests,

The Director of the Geological Survey of India,

The Meteorological Reporter to the Government of India,

The Director-General of the Post Office of India,

The Commissioner, Northern India Salt Revenue Department,

† The Director-General of Statistics,

The Director-General of Ordnance in India,

The Commissary-General-in-Chief,

§ The Inspectors-General of Ordnance, Bengal and Punjab Commands,

The Commissary-Generals, Bengal and Punjab Commands,

The Office Establishment of the Several Arsenals, Depôts, and Factories in Bengal,

The Director-General of Telegraphs,

‖ The Accountant-General, Public Works Department,

* The Consulting Engineer to the Government of India for Railways, Calcutta,

and to such other Imperial and provincial offices as may hereafter be notified as having adopted them.

20. On the occurrence of any vacancy hereafter in the Lower Division of any office which has to be filled by open competition under these rules, when no candidate qualified under the rules is available to fill such vacancy, appointments may be made under rules 13 to 15.

21. These rules shall take effect from the date of their issue.

22. Copies of these rules may be obtained on application at the office of the Home Department.

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* These rules do not apply to the Traffic and Statistical Sections of the Railway Branch of the Public Works Secretariat and the Office of the Consulting Engineer to the Government of India for Railways, Calcutta, when these sections and office fill vacancies by recruitment of officers already serving in the offices of the Traffic Superintendents and District Officers on the State lines.

† These rules do not apply to classes VII (Rs. 50—75), VIII (Rs. 35—50), and IX (Rs. 25—35) of appointments in the office of the Director General of Statistics, and to classes IX (Rs. 25—35) and X (Rs. 20—25) in the General Branch of the Finance and Commerce Department. That Department has also authority to recruit without reference to the rules in the case of appointments in class VIII (Rs. 35—50) in its General Branch at any time when it considers it necessary to do so; but ordinarily recruitment to that class will be from passed candidates. No clerk other than a passed candidate, who enters the classes now exempted from the operation of the rules after the date of this Resolution, is eligible for promotion to the classes above class VII in the office of the Director-General of Statistics, and class VIII in the General Branch of the Finance and Commerce Department, except in accordance with rule 13 of these rules.

‡ These rules do not apply to the office of the Statistical Officer to the Government of India in the Sanitary and Medical Departments.

§ Three appointments in the office of the Inspector-General of Ordnance, Bengal Command, and two in that of the Inspector-General, Pun ab Command, are reserved for soldiers possessing technical knowledge of Ordnance duties.

‖ These rules do not apply to the office of the Accountant-General, Public Works Department, when that office fills vacancies by the recruitment of officers already holding clerical appointments in any Government Account office.

SANITARY.

Plague.

The 8th September 1899.

No. 2583.—In exercise of the powers conferred by section 2, sub-section (*1*), of the Epidemic Diseases Act, 1897 (III of 1897), and in continuation of the Notifications of the Government of India in the Home Department noted on the margin, the Governor-General in Council is pleased to prohibit the taking, sending or consigning of used apparel and bedding (except when carried as the personal baggage of travellers), rags and waste-paper from Karachi or from the territories (other than Sind) administered by the Governor of Bombay in Council to any other part of India.

No. 1031, dated the 22nd March 1897.
" 2126 " 15th September 1897.
" 330 " 8th February 1898.
" 933 " 22nd April 1898.

No. 2584.—In exercise of the powers conferred by section 2, sub-section (*1*), of the Epidemic Diseases Act, 1897 (III of 1897), and in continuation of the Notification of the Government of India in the Home Department noted on the margin, the Governor-General in Council is pleased to prohibit the taking, sending or consigning of used apparel and bedding (except when carried as the personal baggage of travellers), rags and waste-paper from Calcutta to any other part of India.

No. 1024, dated the 17th March 1899.

No. 2585.—In exercise of the powers conferred by section 2, sub-section (*1*), of the Epidemic Diseases Act (III of 1897), and in continuation of the Notification of the Government of India in the Home Department noted on the margin, the Governor-General in Council is pleased to prohibit the taking, sending or consigning of used apparel and bedding (except when carried as the personal baggage of travellers), rags and waste-paper from the Civil and Military Station of Bangalore to any other part of India.

No. 135, dated the 12th January 1899.

ECCLESIASTICAL.

The 8th September, 1899.

No. 402.—The following programme of the proposed visitation tour of the Right Reverend the Bishop of Calcutta and Metropolitan of India and Ceylon is published for general information:

Station.	Arrival.	Departure.	REMARKS.
Calcutta	......	Wednesday, September 27th.	
Simla	Friday, September 29th ...	Thursday, October 19th.	
Rāwalpindi ...	" October 20th ...	Monday " 23rd.	
Peshāwar ...	Monday " 23rd ...	Thursday " 26th.	
Lahore	Friday " 27th ...	" November 2nd ...	November 1st, Consecration of the Bishop of Lahore.
Delhi	Thursday, November 2nd ...	Friday, November 3rd.	
Allahabad ...	Saturday " 4th ...	Wednesday, November 8th.	
Cawnpur ...	Wednesday " 8th ...	Friday " 10th.	
Lucknow ...	Friday " 10th ...	Tuesday " 14th.	
Agra	Tuesday " 14th ..	Friday " 17th.	
Jubbulpur ...	Friday " 17th ...	Tuesday " 21st.	
Benares ...	Wednesday " 22nd ...	Friday " 24th.	
Calcutta ...	Saturday " 25th ...	...	

Letters should be sent as a general rule to those stations where a Sunday is spent, the names of which are printed in italics.

Matters of routine requiring immediate attention may be referred to the Bishop's Commissary, the Ven'ble Archdeacon Stone, the Parsonage, Darjeeling.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 6th September, 1899.

No. 2440-*F*.—The services of Mr. D. Donald, Political Officer in the Khyber, substantive *pro tempore*, are replaced at the disposal of the Government of the Punjab, with effect from the 10th September, 1899, on his return from privilege leave.

H. S. BARNES,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

STATISTICS AND COMMERCE.

CUSTOMS.

Simla, the 6th September, 1899.

No. 4138-*S. R*—In exercise of the power conferred by sub-section (2) of section 8-A of the Indian Tariff Act, 1894 (VIII of 1894, as amended by Acts III of 1896 and XIV of 1899), and in supersession of the rates of additional duty on the kinds of sugar mentioned against France in the Notification in this Department, No. 1327-S R., dated the 20th March 1899, the Governor-General in Council is pleased to declare that the rates shall be revised as follows, with effect from the 1st September 1899: Provided that the rates hereby superseded shall apply to any imported sugar for which the bill of lading was signed and given before the 1st September 1899:

For

Kinds of sugar.	Bounties bestowed.	Additional duties to be levied. Per cwt. Rs.	A.	P.
Raw sugars from 65 to 98 per cent. polarization for beet-root sugars, or 65 to 97 per cent. for French colonial sugar.	10·82 francs per 100 kilograms of refined sugar of 100 per cent. polarization.*	3	4	0
Sugar candies	11·51 francs per 100 kilograms ...	3	7	6
Refined sugars in loaf or crushed, clear, hard and dry.	11·51 francs per 100 kilograms ...	3	7	6
Raw and refined sugars in grains or crystals of a minimum standard of 98 per cent. polarization.	11·17 francs per 100 kilograms ...	3	6	0

*The output of refined sugar from raw is computed by deducting from the polarization of the raw sugar twice the glucose, four times the ashes, and one-and-a-half per cent for loss in refining.

Read

Kinds of sugar.	Bounties bestowed.	Additional duties to be levied.
		Per cwt. Rs. A. P.
Raw sugars from 65 to 98 per cent. polarization for beet-root sugars, or 65 to 97 per cent. for French colonial sugar.	11·16 francs per 100 kilograms of refined sugar of 100 per cent. polarization.*	3 5 11
Sugar candies	11·95 francs per 100 kilograms ...	3 9 9
Refined sugars in loaf or crushed, clear, hard and dry.	11·95 francs per 100 kilograms ...	3 9 9
Raw and refined sugars in grains or crystals of a minimum standard of 98 per cent. polarization.	11·56 francs per 100 kilograms ...	3 7 10

*The output of refined sugar from raw is computed by deducting from the polarization of the raw sugar twice the glucose, four times the ashes, and one-and-a-half per cent. for loss in refining.

SEPARATE REVENUE.
POST OFFICE.

The 6th September, 1899.

No. 4148-*S. R.*—In exercise of the power conferred by section 10 (1) of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to declare that the Cape Colony shall be added to the list of British Possessions, for which the letter rate of postage is one anna per half ounce, mentioned in Part I, Rule 3, of the Notification in this Department, No. 1429-C.—S. R., dated the 30th March 1899, published in the *Gazette of India* of the same date.

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 8th September, 1899.

JUDICIAL.

No. 1000.—The following draft of a rule which, in exercise of the powers conferred by sections 26 and 27 of the Cantonments Act, 1889 (XIII of 1889), it is proposed to add as a sub-section to section 66 of the Cantonment Code, 1899, published with G. G. O. No. 664, dated the 16th June 1899, to be in force in all Cantonments in British India, except Aden, is published for the information of all persons likely to be affected thereby, as required by the said Act, and notice is hereby given that the draft will be taken into consideration by the Governor-General in Council on or after the 25th of September 1899.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date abovementioned will be considered by the Governor-General in Council.

Draft rule.

Whoever does not take reasonable means to prevent any child under the age of 12 years in his charge from easing himself in any street or public place within the Cantonment, shall be punishable with fine which may extend to twenty-five rupees.

P. J. MAITLAND, *Major-General*,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED SEPTEMBER 9, 1899.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

CHANGE IN THE DESIGNATIONS OF CHAPLAINS ON THE ESTABLISHMENT OF THE CHURCH OF SCOTLAND SERVING IN INDIA.

NOS. 386—401.

Extract from the Proceedings of the Government of India in the Home Department (Ecclesiastical),—under date Simla, the 8th September, 1899.

Read—

Despatch from the Secretary of State to the Government of India, No. 89 (Public—Ecclesiastical), dated the 20th July 1899, and enclosures, on the subject of the nomenclature of Chaplains on the Establishment of the Church of Scotland in India.

RESOLUTION.

THE designations of Chaplains on the Establishment of the Church of Scotland serving in India are at present :

1. *Chaplains on probation*—for the first three years ;
2. *Assistant Chaplains*—for the next ten years ;
3. *Chaplains*—after thirteen years ; and
4. *Senior Chaplains*—one for each Presidency.

The Government of India desire to give effect to a suggestion made by the General Assembly of the Church of Scotland that the nomenclature of the Scottish Chaplains on the Indian Establishment should be assimilated, as far as possible, to that of the Chaplains of the Church of England, and they are accordingly pleased to direct that the following designations for Chaplains of the Church of Scotland shall be adopted in future :

1. *Chaplains on probation*—for the first three years, as at present ;
2. *Junior Chaplains*—for the next ten years ;
3. *Senior Chaplains*—after thirteen years ; and
4. *Presidency Senior Chaplains.*

[True Extract.]

A. H. L. FRASER,

Offg. Secretary to the Government of India.

ORDER.—Ordered, that a copy of this Resolution be forwarded to all Local Governments and Administrations, to the Military Department, to the Metropolitan, and to the Senior Chaplain, Church of Scotland, Calcutta/Madras/Bombay, for information.

Ordered, also, that the Resolution be published in the Supplement to the *Gazette of India.*

By order,

R. NATHAN,

Under-Secy. to the Govt. of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 21, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 16, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

SANITARY.

Plague.

Simla, the 15th September, 1899.

No. 2548.—In exercise of the powers conferred by section 2 of the Epidemic Diseases Act, 1897 (III of 1897), the Governor-General in Council is pleased to direct that for paragraph 2, clause (2), sub-clause (*b*), of the Notification of the Government of India in the Home Department, No. 1550, dated the 28th April 1899, the following be substituted, namely:

"(*b*) are secured in a hermetically closed tin or tins of adequate strength, placed in a strong outer box of wood or tin with a layer of at least three-quarters of an inch of raw cotton-wool between the inner and the outer case, the outer case being enclosed in stout cloth, securely fastened and sealed, and labelled with such distinguishing inscription as will suffice to make immediately manifest the nature of the contents."

No. 2653.—In exercise of the powers conferred by section 2 of the Epidemic Diseases Act, 1897 (III of 1897), the Governor-General in Council is pleased to make the following regulations to be observed by persons sending or taking from place to place in India cultures or other articles known or believed to contain the living germs of plague:

"1. No person who is not a Commissioned Medical Officer, a Military Assistant Surgeon, or a medical practitioner in possession of a qualification not lower than that of L. M. S. of the University of Calcutta, Madras or Bombay, shall, without the special permission of the Governor-General in Council or a Local Government, take in his private possession from one place to another any culture or other article which he knows or believes to contain the living germ of plague.

"2. No such culture or other article as aforesaid shall be sent from one place to another,—

(*a*) unless it is securely packed in a hermetically closed tin of adequate strength, placed in a strong outer box of wood or tin with a layer of at least three-quarters of an inch of raw cotton-wool between the inner and the outer case, the outer case being enclosed in stout cloth, securely fastened and sealed, and labelled with such distinguishing inscription as will suffice to make immediately manifest the nature of the contents;

(*b*) unless it is consigned to a Government Laboratory or to a person specially permitted by the Governor-General in Council or the Local Government to receive such cultures or other articles; and

(*c*) unless the sender declares its nature to the carrying agency and signs a certificate to the effect that he has advised the consignee of its despatch.

"3. No package containing any such culture or other article as aforesaid shall be opened in any place which is free from plague without the special permission of the Governor-General in Council."

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 14th September, 1899.

No. 2658-I. A.—In exercise of the powers conferred by section 2, sub-section (*1*) of the Epidemic Diseases Act, 1897 (III of 1897), as applied by the notification by the Government of India in the Foreign Department, No. 443 I. A., dated the 4th February, 1897, to all territories in India which are under the administration of the Governor-General in Council, but are not part of British India, including all railway lands and the territories for the time being administered by the Agent to the Governor-General in Baluchistan as such Agent, the Governor-General in Council is pleased to prohibit the taking, sending or consigning of used apparel and bedding (except when carried as the personal baggage of travellers), rags and waste paper from the Hyderabad, Mysore and Baroda States into any part of India.

H. S. BARNES,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 15th September, 1899.

No. 389.—Mr. F. C. Murray, Executive Engineer, 1st Grade, and Officiating Superintending Engineer, Punjab, is temporarily promoted to Superintending Engineer, 3rd Class, with effect from the 25th June 1899.

T. HIGHAM,

Joint Secretary to the Government of India.

NORTHERN INDIA SALT REVENUE DEPARTMENT.

NOTIFICATION.

Agra, the 9th August, 1899.

No. 111.—Under orders passed by the Government of India in the letter from the Finance and Commerce Department No. Ex. 3137, dated the 11th July, 1899, the Superintendents and Assistant Superintendents of the Northern India Salt Revenue Department will in future be graded as follows :—

6	Superintendents, 1st grade	...	...	Pay Rs. 400
7	" 2nd "	...	...	" " 350
8	" 3rd "	...	...	" " 300
10	" 4th "	...	...	" " 250 with a probationary period of one year on " " 200
5	Assistant Superintendents, 1st grade		...	" " 175
5	" " 2nd "		...	" " 150

Officers in the Department, who were appointed prior to the 23rd October, 1886, have been graded in accordance with the above scale, but will continue to receive the higher pay of the old grades as "personal pay," and will retain the benefit of 12 appointments on Rs. 400—20—500. Officers, who entered the Department after the 23rd October, 1886, have also been graded in accordance with the sanctioned scale, with the proviso that in the case of officers who are now in receipt of pay in excess of the pay of their grade, the difference between the pay they are receiving and their grade pay, will be drawn as a personal allowance, subject to the provisions of Article 77 of the Civil Service Regulations.

A list of the Superintendents and Assistant Superintendents now in the Department, graded in accordance with the sanctioned scale, is published for information :—

Superintendents, 1st grade, on Rs. 400. *Sanctioned number* 6.

(1) Mr. J. J. Durham, (2) Mr. F. G. Hickie, (3) Mr. R. G. Rose, (4) Mr. G. T. Scully, (5) Mr. F. F. Skeaf, (6) Mr. G. H. McMullen,	Personal pay Rs. 400—20—500.

Superintendents, 2nd grade, on Rs. 350. *Sanctioned number* 7.

(1) Mr. A. E. Cline, (2) Mr. W. H. H. Money, (3) Mr. E. D. Nunn, (4) Mr. G. St. A. Sylvester, (5) Mr. F. T. Palmer, (6) Mr. C. A. Browne,	Personal pay Rs. 400—20—500.
(7) Mr. A. Potter,	... Personal pay Rs. 300-20-400.

Superintendents, 3rd grade, on Rs. 300. *Sanctioned number* 8.

(1) Mir Nasir Ali, Khán Bahadur, (2) Mr. W. F. Hicks, (3) Mr. A. M. S. Carter, (4) Mr. C. H. Jeffery-Orchard, (5) Mr. A. Hollingberry, (6) Mr. F J. Dickinson,	Personal pay Rs. 300—20—400.	
(7) Mr. T. C. Mukerji,	Grade pay Personal allowance	Rs. 300 " 100
(8) Mr. H. A. R. Lyon,	Grade day Personal allowance	" 300 " 50

Superintendents, 4th grade, on Rs. 200—250. Sanctioned number 10.

(1) Mr. P. H. Vere,	Grade pay	Rs. 250
	Personal allowance	,, 100
(2) Mr. P. C. S. O'Connor,	Grade pay	,, 250
	Personal allowance	,, 100
(3) Mr. C. S. Haygarth,	Grade pay	,, 250
	Personal allowance	,, 50
(4) Mr. Lakhmir Singh, M. A.,	Grade pay	,, 250
	Personal allowance	,, 50
(5) Mr. C. R. Hunter,	Grade pay	,, 250
	Personal allowance	,, 50
(6) Mr. D. Durham,	Grade pay	,, 250
	Personal allowance	,, 50
(7) Mr. E. G. Winn,	Grade pay	,, 200
(8) Mr. H. B. Welsh,	,,	,, 250
(9) Mr. G. W. C. Lisle,	,,	,, 200
(10) Mr. F. W. Cash,	,,	,, 200

Assistant Superintendents, 1st grade, on Rs. 175. Sanctioned number 5.

(1) Mr. E. Dampier-Bennett,	Grade pay	Rs. 175
	Personal allowance	,, 25
(2) Mr. E. D. Beatson,	Grade pay	,, 175
(3) Mr. E. D. Wilson,	,,	,, 175
(4) Mr. A. D. C. McIver,	,,	,, 175
(5) Mr. E. St. C. L. Chopin,	,,	,, 175

Assistant Superintendents, 2nd grade, on Rs. 150. Sanctioned number 5.

(1) Mr. Harnam Chand,	Grade pay	Rs. 150
(2) Mr. Muhammad Shakur Bukhsh Kadri, B. A.,	,,	,, 150
(3) Mr. F. D. Reid,	,,	,, 150
(4) Mr. D. M. Smith,	,,	,, 150
(5) Mr. J. G. Hennessy,	,,	,, 150

R. M. DANE,

Commissioner, N. I. Salt Revenue Dept.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 28, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 23, 1899.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 21st September, 1899.

No. 1503 *G.*—The undermentioned officer is granted leave to proceed out of India, on medical certificate, under the leave rules for the Staff Corps; the leave to have effect in India from the date of being struck off duty till the date of sailing, the specified period to count from the date of leaving India:

Lieutenant R. E. A. Hamilton, Indian Staff Corps, a Supernumerary Assistant Commissioner in the Punjab, for twelve months.

Pension service,—ninth year, commenced 8th November, 1898.

Notification No. 1493-G., dated the 29th August, 1899, is hereby cancelled.

H. S. BARNES,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 22nd September, 1899.

PROMOTIONS.

INDIAN STAFF CORPS.

No. 1045.—The following promotions are made, subject to Her Majesty's approval:

Lieutenants to be Captains.

19th September 1899.

Bertram Clarke Waterfield.

* * * * * * * *

SPECIAL.

No. 1054.—With reference to article 280, Army Regulations, India, Volume I, Part I, the undermentioned officer, having been absent from military duty for ten years, is transferred to the supernumerary list, with effect from the date specified:

Captain C. P. Thompson, District Judge, 2nd grade,—19th September 1899.

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, OCTOBER 5, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 30, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Simla, the 29th September, 1899.

No. 1650.—The services of Major J. W. Rodgers, I. M. S. (Bengal), are placed temporarily at the disposal of the Government of the Punjab.

JUDICIAL.

The 29th September, 1899.

No. 1427.—The services of Captain W. Hudson, Indian Staff Corps, Officiating Cantonment Magistrate of Poona and Kirkee, are placed at the disposal of the Government of the Punjab for employment as a Cantonment Magistrate.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 29th September, 1899.

No. 1543-*G.*—Mr. J. G. Lorimer, of the Indian Civil Service, an Assistant Commissioner of the 1st Grade, in the Punjab, and lately Officiating Political Officer, Khaibar, is appointed to officiate as a Political Agent of the 3rd Class, and is posted as Assistant Secretary to the Government of India in the Foreign Department, with effect from the 13th September 1899.

H. S. BARNES,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATIONS.

JUDICIAL.

Simla, the 29th September, 1899.

No. 1065.—In continuation of the Notification of the Government of India in the Military Department, No. 1000, dated the 8th September 1899, and in exercise of the powers conferred by sections 26 and 27 of the Cantonments Act, 1889 (XIII of 1889), the Governor-General in Council is pleased to direct that the following shall be added as sub-section (*2*) to section 66 of the Cantonment Code, 1899, published with G. G. O. No. 664, dated the 16th June 1899, to be in force in all cantonments in British India, except Aden :

> "(*2*) Whoever does not take reasonable means to prevent any child under the age of twelve years in his charge from easing himself in any street or public place within the Cantonment, shall be punishable with a fine which any extend to twenty-five rupees."

2. The present section 66 shall be numbered as sub-section (*1*).

RETIREMENTS.

No. 1081.—Major Thomas Henry Bairnsfather, Indian Staff Corps, 29th (Punjab) Regiment of Bengal Infantry, Cantonment Magistrate, Punjab, is permitted to retire from the service, with effect from the 14th August 1899, subject to Her Majesty's approval.

P. J. MAITLAND, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 26th September, 1899.

No. 404.—Mr. F. E. Rose, Executive Engineer, 1st Grade, Punjab, is permitted to etire from the service, with effect from the afternoon of the 2nd October, 1899, under Article 720 of the Civil Service Regulations.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette
PUNJAB AND ITS DEPENDENCIES.
Published by Authority.
LAHORE, THURSDAY, OCTOBER 12, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 16, 1899.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

Simla, the 15th September, 1899.

No. 2636.—In exercise of the powers conferred by section 58 of the Pilgrim Ships Act, 1895 (XIV of 1895), the Governor-General in Council is pleased to direct that the following amendments be made in the rules published with the Notification of the Government of India in the Home Department, No. 262, dated the 5th October 1896:

(1) For the last paragraph of Rule 31, the following shall be substituted, namely:

"A sign-board written in bold letters in the Persian, Urdu and Guzarati characters shall be displayed at the place, to be approved by the Inspector at which stores are dispensed, announcing that food can be procured there. At the same place shall be posted a table of the rations of food and water in Persian, Urdu and Guzarati, and a price-list in the same languages of the articles of food offered for sale."

(2) In Rule 66, after sub-section 2 (*b*), the following shall be inserted, namely:

" and (*c*) the words *food is procurable on board the ships.*

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 7, 1899.

HOME DEPARTMENT.

NOTIFICATION.

ECCLESIASTICAL.

Simla, the 6th October 1899.

No. 446.—The services of the Reverend J. Low, a Junior Chaplain in the Bengal (Rangoon) Ecclesiastical Establishment, are placed at the disposal of the Government of the Punjab.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 6th October 1899.

No. 2650-*F.*—The services of Mr. D. Donald, Political Officer in the Khyber, substantive *pro tempore*, are replaced at the disposal of the Government of the Punjab, with effect from the 13th September, 1899, on his return from privilege leave.

Notification No. 2440-F., dated the 6th September 1899, is hereby cancelled.

H. S. BARNES,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE.

POST OFFICE.

Simla, the 5th October 1899.

No. 4574-*S. R.*—In exercise of the power conferred by section 21, and with reference to the provisions of section 19, sub-section (1), of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to issue the following rules prescribing the conditions subject to which human and other viscera may be transmitted by post to Chemical Examiners for analysis :—

1. The suspected *viscus* or other material to be sent for examination shall be enclosed in a glass bottle or jar, fitted with a stopper or sound cork.
2. Great care shall be taken that the stopper or cork of the bottle fits tightly. This precaution is especially necessary when alcohol is used as a preservative ; in such cases a ring of bees' wax or candle-wax shall be placed round the lip of the bottle so as to cover the shoulder of the stopper. The stopper shall be carefully fastened down with bladder or leather and sealed.
3. The glass bottle or jar shall then be placed in a strong wooden or tin box, which shall be large enough to show of a layer of raw cotton, at least three-fourths of an inch thick, being placed between the bottle or jar and the box.
4. The box itself shall be encased in cloth, which shall be securely closed and sealed. The sales shall be at intervals not exceeding three inches along each seam. All the seals shall be of the same kind of wax and shall bear distinct impressions of the same device. The device shall not be that of a current coin or merely a series of straight, curved or crossed lines.

The 6th October 1899.

No. 4598-*S. R.*—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct (1) that, with effect from the 1st November 1899, the limit of weight for pattern packets intended for transmission by the inland post shall be raised from 40 tolas to 80 tolas, and (2) that the following rules shall be substituted for rules 15 and 143 of the rules published in the Notification in this Department, No. 429-C.— S. R., dated the 30th March 1899:

15. The dimensions of a pattern packet shall not exceed two feet in length by one foot in width and one foot in depth; and the weight shall not exceed eighty tolas.

143. The envelopes and wrappers specified below shall be sold at the following prices, namely:—

		Rs.	A.	P.
Half-anna square envelopes.				
Any number less than 16	Each	0	0	8
Packets of 16	Per packet	0	10	6
One-anna square envelopes.				
Any number less than 8	Each	0	1	2
Packets of 8	Per packet	0	9	3
Registration envelopes, small size.				
Any number less than 16	Each	0	2	2
Packets of 16	Per packet	2	2	6
Registration envelopes, large size.				
Any number less than 8	Each	0	2	8
Packets of 8	Per packet	1	5	3
Envelopes primarily for international correspondence.				
(*a*) With an embossed stamp of two and a half annas.				
Any number less than 12	Each	0	2	8
Packets of 12	Per packet	2	0	0
(*b*) With an embossed stamp surcharged with one anna.				
Any number less than 12	Each	0	1	2
Packets of 12	Per packet	0	14	0
Half-anna wrappers.				
Any number less than 6	Each	0	0	7
Packets of 6	Per packet	0	3	6
One-anna wrappers.				
Any number less than 6	Each	0	1	1
Packets of 6	Per packet	0	6	6

STATISTICS AND COMMERCE.

CUSTOMS.

The 6th October 1899.

No. 4600-*S. R.*—In exercise of the power conferred by sub-section (2) of section 8 A of the Indian Tariff Act, 1894 (VIII of 1894, as amended by Acts III of 1896 and XIV of 1899), and in supersession of the rates of additional duty on the kinds of sugar mentioned against Russia in the Notification in this Department, No. 1327-S. R., dated

the 20th March 1899, the Governor-General in Council is pleased to declare that the rates shall be revised as follows, with effect from the date of this Notification :

For

Kinds of sugar.	Bounties bestowed.	Additional duties to be levied.
		Per cwt. Rs. A. P.
Sugar of at least 99 per cent. polarization ...	0·50 rouble per pood (36·113 lb avoirdupois.)	3 11 0
Sugar of less than 99 per cent. polarization, but not less than 88 per cent.	0·44 rouble per pood	3 4 0
Sugar of less than 88 per cent., but not less than 75 per cent.	0·38 rouble per pood	2 13 0

Read

Kinds of sugar.	Bounties bestowed.	Additional duties to be levied.
		Per cwt. Rs. A. P.
Sugar of at least 99 per cent. polarization ...	0·50 rouble per pood (36·113 lb avoirdupois.)	2 7 4
Sugar of less than 99 per cent. polarization, but not less than 88 per cent.	0·44 rouble per pood	2 2 7
Sugar of less than 88 per cent., but not less than 75 per cent.	0·38 rouble per pood	1 13 10

J. F. FINLAY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 6th October 1899.

LONDON GAZETTE.

No. 1089.—The following extract is published for general information :

"*London Gazette,*" *dated the* 12*th September* 1899, *pages* 5639 *and* 5640.

* * * * * * * *

INDIA OFFICE;

12*th September* 1899.

* * * * * * * *

The Queen has also approved of the retirement from the service of the undermentioned officers :

* * * * * * * *

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

Senior Assistant-Surgeon, with the honorary rank of Captain, James Barker, Bengal Establishment. Dated 3rd March 1899.

* * * * * * * *

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, OCTOBER 19, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 14, 1899.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 13th October, 1899.

No. 1050-*M*.—In supersession of this office Notification No. 866-M., dated the 1st September 1899, it is hereby notified that HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL will leave Simla at 10 A.M. on Friday, the 27th October, and visit Delhi.

On leaving Delhi HIS EXCELLENCY will visit a number of localities in Northern and Central India, that are suffering from famine or plague, and will resume his tour as originally contemplated at Bhopal towards the end of November, subsequently visiting Gwalior, Agra, Muttra, Brindaban, Cawnpur, Lucknow and Benares.

HIS EXCELLENCY will arrive in Calcutta on Monday, the 18th December 1899.

By Command,

ARTHUR SANDBACH, *Lieut.-Col.*,

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 13th October, 1899.

No. 2399.—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Governor-General in Council is pleased to direct that the following proviso be added to Rule 2-III (*e*) of the rules to regulate the transport and

importation of explosives published with the Notification of the Government of India in the Home Department, No. 1393, dated the 8th July 1897 :

PROVISO.

"Provided that, in the case of detonators, the following further rules shall also be observed, namely :

(*a*) The detonators, and the spaces between the detonators and between the sides of the inner package and the detonators, shall all be filled, as far as practicable, with fine sawdust or other similar material. A layer of cotton wool or other soft elastic material shall be placed between both ends of all the detonators and the interior of the inner package in which the detonators are placed, in such manner and so secured that both ends of the detonators will rest upon the said cotton wool or other material. Every inner package, if of metal, shall be lined throughout with paper or other soft material.

(*b*) Where the number of detonators packed for conveyance exceeds in all one thousand (1,000), or such greater number as may from time to time be assigned with the consent of, and under conditions approved by, an Inspector of Explosives, all the inner packages as aforesaid shall be placed inside a substantial case of wood or metal, made and closed, so as to prevent any of the inner packages escaping therefrom, and the case shall be placed inside such outer packages as is required by the above general rule relating to the packing for conveyance of explosives of the 3rd division of the 6th (ammunition) class, in such manner and so secured as to leave a clear space of not less than three inches between every part of the interior of the said outer package, notwithstanding that such clear space may, if preferred, be filled with sawdust, straw or other similar material, or may contain a light framework or battons of wood to keep the case aforesaid in position in the outer package."

MEDICAL.

The 13th October, 1899.

No. 1718.—The services of Major H. Hendley, I. M. S. (Bengal), Civil Surgeon, Simla, are replaced at the disposal of the Government of the Punjab, with effect from the date on which he may be relieved of this present duties.

No. 1719.—Major W. R. Clark, M. B., C. M., I. M. S. (Bengal), Officiating Professor of Surgery, Lahore Medical College, to be Joint Medical Officer of Simla, in succession to Major H. Hendley, I. M. S. (Bengal), with effect from the date on which he may assume charge of his duties.

JUDICIAL.

The 11th October, 1899.

No. 1479.—Captain H. G. B. Raitt, 7th Bengal Infantry, Officiating Cantonment Magistrate, Mooltan, is confirmed as a Cantonment Magistrate, with effect from the 14th August 1899.

The 13th October, 1899.

No. 1502.—The services of Captain M. Stevens, Officiating Cantonment Magistrate, Jullundur, are replaced at the disposal of His Excellency the Commander-in-Chief in India, with effect from the afternoon of the 28th September 1899.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 13th October, 1899.

PROMOTIONS.

INDIAN MEDICAL SERVICE.

No. 1105.—The following promotions are made, subject to Her Majesty's approval:

BENGAL ESTABLISHMENT.

Captains to be Majors.

1st October 1899.

* * * * * * * *

David Macdonald Davidson, M. B., C. M.

* * * * * * * *

John Charles Lamont, M. B.

* * * * * * * *

Albert Coleman.

* * * * * * * *

Daniel Thomas Lane, M. D.

* * * * * * * *

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA" DATED OCTOBER 14, 1899.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

AMENDMENT OF THE RULES RELATING TO THE OFFICIATING ALLOWANCES OF MEMBERS OF THE PROVINCIAL AND SUBORDINATE EDUCATIONAL SERVICES.

NOS. 468—74.

Extract from the Proceedings of the Government of India in the Home Department (Education), under date Simla, the 13th October, 1899.

READ—

Letter from the Government of the Punjab, No. 849 of the 26th April 1899, asking for orders on certain points connected with the officiating allowances of members of the Provincial and Subordinate Educational Services.

Circular letter to Local Governments and Administrations, No. 273—81, dated the 27th June 1899, on the same subject.

Read also—

The replies of Local Governments and Administrations to the above Circular.

RESOLUTION.

In the Circular of the 27th June 1899, quoted in the preamble, the Local Governments and Administrations were invited to express their opinions on the following proposals for amending the rules relating to the officiating allowances of members of the Subordinate Educational Service :

(*a*) that the rule in Article 154-A of the Civil Service Regulations, limiting the salary of an officiating officer to the pay of the officer for whom he acts, should govern the grant of acting allowances to officers of the Subordinate Educational Service holding appointments reserved for the Indian or Provincial Service, such cases being exempted from the operation of Article 156 of the Regulations; and

(*b*) that an officer of the Subordinate Educational Service, officiating in an appointment reserved for an officer of the Indian or Provincial Service, should not receive less than his substantive pay.

The proposals have been generally approved and will, therefore, be embodied in the Civil Service Regulations.

2. The replies of the Local Governments and Administrations have raised certain other points connected with the acting allowances of members of the Provincial and Subordinate Educational Services and, after considering their remarks, the Governor-General in Council is pleased to issue the following further orders :

(1) Proposal (*b*), above, should be held to apply also to an officer of the Provincial Service acting in an appointment reserved for the Indian Service.

(2) An officer of the Provincial Service, holding temporarily an appointment reserved for the Indian Service, which is substantively vacant, may be granted the full allowance of Rs. 100 a month, without any qualifying restriction. And similarly officers of the Subordinate Service holding temporarily appointments reserved for the Indian or Provincial Service, which are substantively vacant, may draw, without qualifying restriction, the monthly allowances of Rs. 75 and Rs. 50, respectively, which are prescribed by rule.

(3) The expression "the pay of the officer for whom he acts" in Article 154-A of the Civil Service Regulations is used in the sense defined in Article 49 of the Civil Service Regulations. To prevent misapprehension on this point the words will be printed in italics in Article 154-A.

Madras.
Bombay.
Bengal.
The North-Western Provinces and Oudh.
The Punjab.
The Chief Commissioner of the Central Provinces.

ORDER.—Ordered, that a copy of this Resolution be forwarded to the Local Governments and Administration marginally noted, and to the Finance Department for information.

Ordered also that the Resolution be published in the Supplement to the *Gazette of India*.

[True Extract.]

A. H. L. FRASER,

Offg. Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, OCTOBER 26, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 21, 1899.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 18th October, 1899.

No. 1097-*M.*—HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL will leave Simla at 10 A.M. on Friday, the 27th October, and visit Delhi.

On leaving Delhi HIS EXCELLENCY will visit a number of localities in Northern and Central India that are suffering from famine or plague, and will resume his tour as originally contemplated at Bhopal towards the end of November, subsequently visiting Gwalior, Agra, Muttra, Brindaban, Cawnpur, Lucknow, and Benares.

HIS EXCELLENCY will arrive in Calcutta on Monday, the 18th December 1899.

All covers intended to reach HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL during HIS EXCELLENCY'S tour should be addressed "His Excellency the Viceroy's Camp," without the addition of any post town.

The party accompanying HIS EXCELLENCY on tour is as follows:

Her Excellency Lady Curzon of Kedleston (*a*).

H. S. Barnes, Esq., C.S.I, Offg. Foreign Secretary (*a*).

W. R. Lawrence, Esq., C.I.E., Private Secretary...*Throughout.*

Lieutenant-Colonel A. E. Sandbach, Military Secretary (*a*).

Lieutenant-Colonel E. H. Fenn, C.I.E., Surgeon to the Viceroy (*a*).

Captain Baker-Carr, A.D.C. (*a*).

Captain R. J. Marker, A.D.C. (*a*).

Captain C. Wigram, A.D.C....*Throughout.*

F. W. Latimer, Esq., Assistant Private Secretary (*a*).

All communications connected with business of a mere routine nature should be sent, as usual, to the Head-quarters of the several Departments.

By Command,

ARTHUR SANDBACH, *Lieut.-Col.,*

Military Secretary to the Viceroy.

(*a*) Will be at Delhi and rejoin at Bhopal on the 25th November and accompany His Excellency throughout the rest of the tour.

HOME DEPARTMENT.

NOTIFICATIONS.

EXAMINATIONS.

Simla, the 20th October, 1899.

No. 626.—With reference to Rules 4 and 9 of the rules published with Home Department Notification No. 529, dated 8th September 1899, and to Rules 2 and 6 published with the Resolution of the Government of Bengal, No. 564-T.F., dated 10th October 1894, it is hereby notified that the examination prescribed for filling up vacancies in the Lower Division of the Secretariat Clerical Service of the Government of India and attached offices and in the Clerical Establishments of the offices subordinate to the Government of Bengal, will be held at Calcutta in the Senate House of the Calcutta University, and at Allahabad and Lahore at the places to be appointed by the Governments of the North-Western Provinces and Oudh and the Punjab, respectively, in January 1900. The exact dates will be notified hereafter. The hours of examination will be from to 10 A.M. to 1 P.M., and from 1-30 P.M. to 4-30 P.M., daily.

The probable number of vacancies in the Lower Division of the Secretariat Clerical Service of the Government of India and attached offices to be competed for is ten. Of these, five will be reserved for candidates domiciled in the North-Western Provinces and Oudh, the Punjab, the Central Provinces, Rajputana, Central India, and Baluchistan, provided that a sufficient number of such candidates, duly qualified, appear for the examination to be held at Allahabad and Lahore. The remaining five vacancies will be offered for competition among the candidates examined at Calcutta, and such candidates, temporarily resident but not domiciled in any of the Provinces enumerated above, as may be permitted to present themselves for examination at Allahabad and Lahore.

The probable number of vacancies in the offices subordinate to the Government of Bengal is twenty. These will be reserved for candidates examined at Calcutta.

Candidates should pay the prescribed fee (Rs. 10) into the nearest Treasury and forward the Treasury receipt to the Secretary to the Board of Examiners, Calcutta. Candidates paying their fees in Calcutta should pay them into the Bank of Bengal.

Application for permission to appear at the examination should be made to the Secretary to the Board of Examiners, Calcutta, between the date of this Notification and the 15th December next (inclusive).

The attention of intending candidates is called to Rule 8 of the rules* published with Home Department Notification of the 8th September 1899 and to Rule 5 of the rules published with the Resolution of the Government of Bengal of the 10th October 1894, as amended by Notification No. 877-T.F., dated 17th October 1896, prescribing the particulars and documents† which should accompany the application for permission to appear at the examination.

**Particulars and documents prescribed in Rule* 8 *of the rules published with the Home Department Notification of* 8th *September* 1899.

(1) Evidence that the candidate at the date of making his application is not less than 18 and not more than 24 years of age. The date of the candidate's birth must be stated.

(2) In case the candidate has been educated at a school in which students' good-conduct registers are kept, the candidate's register for the last year of his attendance at school, when a year has not elapsed since he left school. In other cases, a certificate that the candidate is of good moral character from the head of the institution in which he has last been educated, or from some respectable house-holder to whom he is well known in private life, and who is himself known to a District or Sub-Divisional Magistrate or to the head of some Government office—this last fact being certified by the countersignature of the officer in question.

(3) If the candidate is employed under Government, a certificate by the head of the office or department to the effect that, in his opinion, there is no objection to the candidate appearing at the ensuing Clerkship Examination.

(4) A statement whether the candidate has appeared at any previous Clerkship Examination, and, if so, in what year.

†*Particulars and documents prescribed in Rule* 5 *of the rules published with the Resolution of the Bengal Government of the* 10*th October* 1894, *as amended by Notification No.* 877 *T.F., dated* 17*th October* 1896.

(1) The candidate's certificate of the Entrance or any higher University Examination, or of Standard VII prescribed by the Code for European Schools

(2) Evidence that the candidate at the date of making his application is not less than 18 and not more than 24 years of age. The date of the candidate's birth must be stated.

(3) In case the candidate has been educated at a school in which students' good-conduct registers are kept, and in case a year has not elapsed since he left school, a copy of the candidate's register for the last year of his attendance at school certified by the Head Master. In other cases a certificate that the candidate is of good moral character from the head of the institution in which he has last been educated, or from some respectable house-holder to whom he is well known in private life, and who is himself known to a District or Sub-Divisional Magistrate or to the head of some Government office—this last fact being certified by the countersignature of the officer in question.

SANITARY.

Plague.

The 14th October, 1899.

No. 2875.—Whereas the Governor-General in Council in satisfied that there is a danger of an outbreak of dangerous epidemic disease at Chitrakot in the Central India Agency, if pilgrims or other persons from the Salem District of the Madras Presidency, the Bombay Presidency including Sind, Calcutta and the District of Saran in Bengal, the Nagpur District of the Central Provinces, the Hoshiarpur District of the Punjab, and the Hyderabad, Baroda and Mysore States are permitted to assemble at that place on the occassion of the Dipmalka fair, which will be held there on the 2nd November 1899:

In exercise of the powers conferred by section 2, sub-section (*1*), of the Epidemic Diseases Act (III of 1897), the Governor General in Council is pleased to direct that no tickets to travel by railway to any station between Naini and Katni (both inclusive) on the East Indian Railway and Manikpur and Jhansi (both inclusive) on the Indian Midland Railway, shall be sold from the 25th October to the 8th November 1899 (both days inclusive) within the Salem District of the Madras Presidency, the Bombay Presidency including Sind, Calcutta and the District of Saran in Bengal, the Nagpur District of the Central Provinces, the Hoshiarpur District of the Punjab, and the Hyderabad, Baroda and Mysore States to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to the Dipmalka fair at Chitrakot.

The 20th October, 1899.

No. 2923.—Whereas the Governor General in Council is satisfied that the is a danger of an outbreak of dangerous epidemic disease at Ajmer and at Pushkar in the Ajmer District if pilgrims or other persons from the Salem District of the Madras Presidency, the Bombay Presidency (including Sind), Calcutta and the Saran District in Bengal, the Hoshiarpur District of the Punjab, the Nagpur Division of the Central Provinces, and the Hyderabad, Baroda and Mysore States are permitted to assemble at that place on the occasion of the ensuing Urs Khwaja Sahib and Pushkar fairs:

In exercise of the powers conferred by section 2, sub-section *(1)*, of the Epidemic Diseases Act (III of 1897), the Governor General in Council is pleased to direct that no tickets to travel by railway to the stations of Ajmer, Tabiji, Saradhna, Mangaliawas, Madár, Ladpura, and Akhri and to the stations of Nasirábad and Bandanwara on the Rájpútana-Malwa Railway shall be sold from the 1st to the 20th November 1899 (both days inclusive) within the Salem District of the Madras Presidency, the Bombay Presidency (including Sind), Calcutta and the Saran District in Bengal, the Hoshiarpur District of the Punjab, the Nagpur Division of the Central Provinces, and the Hyderabad, Baroda and Mysore States to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to the Urs Khwaja Sahib and Pushkar fairs.

No. 2936.—In the Notification of the Government of India in the Home Department, No. 4341, dated the 10th November 1898, it was ordered, under the powers conferred by section 2, sub-section (1), of the Epidemic Diseases Act (III of 1897), that the pilgrimage to the Hedjaz during the season of 1899 might be permitted, except in the case of persons residing in the Bombay Presidency (excluding the whole of Sind except Karachi), the Presidency of Madras, the Mysore and Hyderabad States and Coorg, subject to certain precautions and restrictions which were imposed in view of the strong opinions of all European Governments, including Turkey, regarding the danger of plague being communicated to Europe, and in view of the danger of plague being spread by intending pilgrims from infected to non-infected portions of India.

Plague is unfortunately still widely prevalent in the Bombay Presidency, and is specially severe in the southern districts and States. Karachi remains an infected port and plague prevails also at Hyderabad in Sind. The disease is widespread and severe in both the Mysore and Hyderabad States. It is endemic in the Salem District of the Madras Presidency and imported cases have recently occurred in other districts. Calcutta became re-infected in the latter part of July last, and a recrudescence has lately been reported from the district of Saran in Behar. The Nagpur City and District in the Central Provinces are infected and plague has re-appeared in the Hoshiarpur District of the Punjab.

The alarm experienced by European Governments, including Turkey, regarding the danger of plague being imported to Europe is in no measure abated, and during the past season Indian pilgrims were again subject to much vexatious restriction and consequent hardship. The Government of India do not think it necessary to prohibit the pilgrimage

from the uninfected portions of India during the coming season, but they consider it essential that careful precautions should be observed similar to those which were enforced during the past season.

The Governor General in Council is pleased to cancel the order contained in the Notification of the Government of India in the Home Department, No. 4341, dated the 10th November 1898.

The Governor General in Council is further pleased to direct that, until further orders, no person resident permanently or temporarily in the Presidency of Bombay including Sind, the Presidency of Madras, the Mysore and Hyderabad States, Coorg, Calcutta and the Saran District of Behar, the Nagpur Division of the Central Provinces and the Hoshiarpur District of the Punjab shall be permitted to embark from any port in India with the object of making a pilgrimage to Mecca.

The Governor Geneal Council is further pleased to direct as follows:

(1) That no person shall be permitted to embaak with the object of making a pilgrimage to Mecca, except at the port of Chittagong in the Lower Provinces of Bengal, and unless and until such person has been kept under observation in a place appointed for the purpose until such time as the Medical Officer in charge shall be satisfied that all risk of such person conveying the infection of plague has been completely abated, and unless such person is conveyed from the place of observation to the place of embarkation under the charge of an officer appointed for the purpose.

(2) That no passage tickets for the Hedjaz shall be sold, except at the places appointed for the detention of intending pilgrims under observation.

The Government of India think it necessary to repeat the warning given last year that, although they have decided that the pilgrimage to the Hedjaz may be permitted subject to the safeguards enumerated above, they are nevertheless convinced that intending pilgrims will be well advised in deferring their purpose until another season, in view specially of the stringent quarantine rules imposed by the Turkish Government and the inconvenience and harassment to which it is likely they will be subjected on arriving in Arabia.

ECCLESIASTICAL.

The 20th October 1899.

No. 471.—The Reverend J. Low, a Junior Chaplain on the Bengal (Rangoon) Ecclesiastical Establishment, to be a Senior Chaplain, with effect from the 28th October 1899.

BOOKS.

The 20th October 1899.

No. 1406.—The following orders of Her Majesty in Council published in the ***London Gazette*** of the 11th August 1899 are republished for general information:

Extract from the London Gazette *of 11th August* 1899.

AT the Court at *Osborne House, Isle of Wight*, the 8th day of ***August***, 1899.

PRESENT:

The QUEEN'S Most Excellent Majesty.

Lord Chancellor.	Lord James of Hereford.
Lord President.	Sir Fleetwood Edwards.

WHEREAS on the ninth day of September, one thousand eight hundred and eighty-six, a Convention (hereinafter called "the Berne Convention") with respect to the protection to be given by way of copyright to the authors of literary and artistic works was concluded between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the foreign countries following, that is to say:

Belgium, Hayti, Switzerland, France, Italy, Germany, Spain and Tunis.

And whereas on the fifth day of September, one thousand eight hundred and eighty-seven, the ratifications of the said Convention were duly exchanged between Her Majesty the Queen and aforesaid countries.

And whereas by an Order in Council dated the twenty-eighth day of November, one thousand eight hundred and eighty-seven, and made under the authority committed to Her Majesty by the International Copyright Acts, 1844 to 1886, Her Majesty was pleased to make provision for giving rights of copyright throughout Her Majesty's dominions to the authors of literary and artistic works first produced in any of the said foreign countries (therein referred to as the foreign countries of the Copyright Union) and otherwise giving effect throughout Her Majesty's dominions to the terms of the said Berne Convention and an English translation of the said Convention was set out in the first schedule to the Order in Council now in recital.

And whereas since the date of the said Order in Council hereinbefore recited the foreign countries following, namely :—Luxembourg, Monaco, Montenegro and Norway have acceded to the said Berne Convention and by Orders in Council dated respectively the tenth day of August, one thousand eight hundred and eighty-eight, the fifteenth day of October, one thousand eight hundred and eighty-nine, the sixteenth day of May, one thousand eight hundred and ninety-three, and the first day of August, one thousand eight hundred and ninety-six, and made under the authority aforesaid the provisions of the hereinbefore recited Order in Council of the twenty-eighth day of November, one thousand eight hundred and eighty-seven, have been extended to the last-mentioned foreign countries respectively and the last-mentioned foreign countries together with the foreign countries comprised in the said Order in Council of the twenty-eighth day of November, one thousand eight hundred and eighty-seven, now constitute the foreign countries of the Copyright Union within the meaning of the said Order in Council.

And whereas an additional Act to the said Berne Convention was agreed upon between Her Majesty and the following foreign countries for the purpose of varying the provisions of the said Berne Convention, namely :—Germany, Italy, Switzerland, Belgium, Luxembourg and Spain, Monaco, Tunis, France, Montenegro and the ratifications of the said additional Act were on the ninth day of September, one thousand eight hundred and ninety-seven exchanged between Her Majesty and the said foreign countries.

And whereas by an Order in Council dated the seventh day of March, one thousand eight hundred and ninety-eight, and made under the authority aforesaid Her Majesty was pleased to make provision for varying the hereinbefore recited Order in Council of the twenty-eighth day of November, one thousand eight hundred and eighty-seven, and otherwise giving effect to the said additional Act throughout Her Majesty's dominions so far as regards the foreign countries hereinbefore named as parties to the said additional Act and an English translation of the said additional Act is set forth in the schedule to the Order in Council now in recital :

And whereas the Republic of Hayti having duly acceded to the said additional Act the said Order in Council of the seventh day of March, one thousand eight hundred and ninety-eight, was by Order in Council of the nineteenth day of May, one thousand eight hundred and ninety-eight, extended to the said Republic.

And whereas it has been intimated to Her Majesty's Government that the Government of the Empire of Japan have notified the accession of that country to the said Berne Convention and additional Act to take effect from the fifteenth day of July, one thousand eight hundred and ninety-nine.

And whereas Her Majesty in Council is satisfied that the said Empire of Japan has made such provisions as it appears to Her Majesty expedient to require for the protection of authors of works first produced in Her Majesty's dominions.

Now therefore Her Majesty by, and with the advice of Her Privy Council, and by virtue of the authority committed to Her by the said Acts, doth order and it is hereby ordered as follows :

1. From and after the commencement of this Order the hereinbefore recited Orders in Council of the twenty-eighth day of November, one thousand eight hundred and eighty-seven, and the seventh day of March, one thousand eight hundred and ninety-eight, shall extend to the said Empire of Japan.

2. This Order shall come into operation on the fifteenth day of July, one thousand eight hundred and ninety-nine, which date is hereinbefore referred to as the commencement of this Order.

3. And the Lords Commissioners of Her Majesty's Treasury are to give the necessary orders herein accordingly.

A. W. FitzRoy.

AT the Court at *Osborne House, Isle of Wight*, the 8th day of *August*, 1899.

PRESENT:

The QUEEN's Most Excellent Majesty.

Lord Chancellor.	Lord James of Hereford.
Lord President.	Sir Fleetwood Edwards.

WHEREAS on the ninth day of September, one thousand eight hundred and eighty-six, a Convention (hereinafter called the Berne Convention) with respect to the protection to be given by way of Copyright to the authors of literary and artistic works was concluded between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and certain foreign countries therein named and on the fifth day of September, one thousand eight hundred and eighty-seven, the ratifications of said Convention were duly exchanged between Her Majesty and the said countries.

And whereas by an Order in Council dated the twenty-eighth day of November, one thousand eight hundred and eighty-seven, and made under the authority committed to Her Majesty by the International Copyright Acts, 1844 to 1886, Her Majesty was pleased to make provision for giving rights of Copyright throughout Her Majesty's dominions to the authors of literary and artistic works first produced in any of the said foreign countries and otherwise giving effect throughout Her Majesty's dominions to the terms of the said Berne Convention and an English translation of the said Convention was set out in the first Schedule to the Order in Council now in recital.

And whereas since the date of the said Order in Council hereinbefore-recited the Principality of Montenegro acceded to the said Berne Convention and by an Order in Council dated the sixteenth day of May, one thousand eight hundred and ninety-three, the provisions of the said Order in Council of the twenty-eighth day of November, one thousand eight hundred and eighty-seven, were extended to the said Principality.

And whereas an additional Act to the said Berne Convention was agreed upon between Her Majesty and certain foreign countries (including Montenegro) for the purposes of varying the provisions of the said Berne Convention and the ratifications of the said additional Act were on the ninth day of September, one thousand eight hundred and ninety-seven, exchanged between Her Majesty and the said foreign countries parties thereto.

And whereas by an Order in Council dated the seventh day of March, one thousand eight hundred and ninety-eight, and made under the authority aforesaid Her Majesty was pleased to make provision for varying the hereinbefore-recited Order in Council of the twenty-eighth day of November, one thousand eight hundred and eighty-seven, and otherwise giving effect to the said additional Act throughout Her Majesty's dominions so far as regards the foreign countries parties thereto (including Montenegro) and an English translation of the said additional Act is set forth in the schedule to the Order in Council now in recital.

And whereas by the said Berne Convention and the said additional Act it is provided that the said Convention shall remain in effect until the termination of a year from the day on which it may have been denounced and that such denunciation shall be made to the Government of the Swiss Confederation and shall only be effective as regards the country making it the said Convention remaining in full force and effect for the other countries parties thereto.

And whereas Her Majesty's Government have been informed that the Government of Montenegro did on the first day of April, one thousand eight hundred and ninety-nine, denounce the said Berne Convention to the Government of the Swiss Confederation in accordance with the terms of the said Convention and additional Act.

Now therefore Her Majesty by, and with the advice of Her Privy Council, and by virtue of the authority committed to Her by the International Copyright Acts, 1844 to 1886, doth order and it is hereby ordered as follows:

1. The hereinbefore recited Order in Council of the sixteenth day of May, one thousand eight hundred and ninety-three, is hereby revoked as from the commencement of this Order and the provisions of the hereinbefore-recited Orders in Council of the twenty-eighth day of November, one thousand eight hundred and eighty-seven, and the seventh day of March, one thousand eight hundred and ninety-eight, shall as from the commencement of this Order cease to apply to the Principality of Montenegro.

2. Nothing contained in this Order shall prejudicially affect any right acquired or accrued before the commencement of this Order by virtue of the said Orders in Council of the twenty-eighth day of November, one thousand eight hundred and eighty-seven, the sixteenth day of May, one thousand eight hundred and ninety-three, and the seventh day of March, one thousand eight hundred and ninety-eight, or otherwise, and any person entitled to such right shall continue entitled thereto and to the remedies for the same in like manner as if this Order had not been made.

3. This Order shall come into operation on the first day of April, one thousand nine hundred, which date is hereinbefore referred to as the commencement of this Order.

And the Lords Commissioners of Her Majesty's Treasury are to give the necessary orders herein accordingly.

A. W. FitzRoy.

A. H. L. FRASER,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 18th October, 1899.

No. 3032-*I.A.*—Major J. R. Dunlop-Smith, Indian Staff Corps, Director of the Department of Land Records and Agriculture in the Punjab, is appointed temporarily to be Famine Commissioner in Rajputana and Secretary to the Agent to the Governor-General in Rajputana and Chief Commissioner of Ajmer-Merwara, Famine Branch, with effect from the date of assuming charge.

The 19th October, 1899.

No. 2737-*F.*—The notification of the Government of India in the Foreign Department No. 1248-F., dated the 15th May, 1896, in respect of criminal proceedings within the district of Southern Waziristan, including the Bhittanni country and the Gomal Pass, is hereby cancelled.

The 20th October, 1899.

No. 1639-*G.*—The services of Lieutenant H. A. K. Gough, Indian Staff Corps, are, on return from furlough, placed temporarily at the disposal of the Government of the Punjab, with effect from the date on which he assumes charge of his duties as a supernumerary Assistant Commissioner.

H. S. BARNES,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 20th October, 1899.

FIELD OPERATIONS.

No. 1125.—In clause I of G. G. O. No. 856 of 1899, *after* the words "Local Governments and Administrations concerned" *insert* "and to Political officers of the State concerned when casualties occur among soldiers enlisted from Native States."

P. J. MAITLAND, *Major-General,*
Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, NOVEMBER 2, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 28, 1899.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 27th October, 1899.

No. 20.—The Governor-General is pleased to accept the resignation by the Hon'ble Rai Bahadur Protul Chandar Chatterjee, M. A., B. L., of his office of Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations.

J. M. MACPHERSON,

Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.

SANITARY.

Plague.

Simla, the 26th October, 1899.

No. 3016.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Tiruvannamalai in the South Arcot District of the Madras Presidency, if pilgrims or other persons from the Bombay Presidency (including Sind), Calcutta and the Saran District in Bengal, the Hoshiarpur District of the Punjab, the Nagpur District of the Central Provinces, and the Hyderabad, Baroda and Mysore States are permitted to assemble at that place on the occasion of the ensuing Karthigai festival:

In exercise of the powers conferred by section 2, sub-section (*1*) of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to the stations of Polur, Agaram Sibbandi, Tiruvannamalai,

Tandarai and Tirukkoyilur on the South Indian Railway, shall be sold from the 1st to the 20th November 1899 (both days inclusive) within the Bombay Presidency (including Sind), Calcutta and the Saran District in Bengal, the Hoshiarpur District of the Punjab, the Nagpur District of the Central Provinces, and the Hyderabad, Baroda and Mysore States to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to the Karthigai festival at Tiruvannamalai.

ECCLESIASTICAL.

The 26th October, 1899.

No. 476.—The services of the Revd. J. H. Collins, Chaplain of Dagshai, are replaced at the disposal of the Government of Burma.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATIONS.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 26th October, 1899.

No. 2164.—Veterinary-Captain F. Joslen, Officiating Principal, Lahore Veterinary College, is appointed Superintendent, Civil Veterinary Department, Rajputana, on his return from leave on medical certificate, with effect from the date on which he joins the appointment.

No. 2165.—Veterinary-Lieutenant J. Farmer, Officiating Superintendent, Civil Veterinary Department, Rajputana, is, until further orders, posted to the Government Cattle Farm, Hissar, with effect from the date on which he is relieved by Veterinary-Captain Joslen.

T. W. HOLDERNESS,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 26th October, 1899.

No. 2807-*F.*—The undermentioned officer is granted leave to proceed out of India, on medical certificate, under the leave rules for the Staff Corps ; the leave to have effect in India from the date of being struck off duty till the date of sailing ; the specified period to count from the date of leaving India :

Lieutenant E. G. Drummond, Indian Staff Corps, Quarter Master, Khyber Rifle Corps, for one year.

Pension Service, 5th year, commenced 28th September, 1899.

H. S. BARNES,

Offg. Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.
POST OFFICE.

Simla, the 24th October, 1899.

No. 4868-*S. R.*—In exercise of the power conferred by section 21, and with reference to the provisions of section 19, sub-section (*1*) of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to issue the following rules prescribing the conditions subject to which cultures or other articles known or believed to contain the living germs of plague may be transmitted by the Inland post to a Government Laboratory or to a person specially permitted by the Governor-General in Council, or a Local Government, to receive such cultures or other articles :

(1) The cultures or other articles aforesaid shall be securely packed in a hermetically closed tin of adequate strength, which shall be placed in a strong outer box of wood or tin with a layer of at least three-quarters of an inch of raw cotton-wool between the inner and outer case.

(2) The outer case shall be enclosed in stout cloth, which shall be securely fastened and sealed, and labelled with such distinguishing inscription as will suffice to make immediately manifest the nature of the contents.

(3) The sender shall present the parcel at the Post Office accompanied by a declaration as to the nature of its contents, and a certificate signed by himself to the effect that he has advised the addressee of its despatch.

J. F. FINLAY,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, NOVEMBER 9, 1899.

PART II.

Republications from the "Gazette of India."

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 31st October, 1899.

No. 21.—In exercise of the power conferred by section 10 of the Indian Councils Act, 1861 (24 and 25 Vict., Cap. 67), and section 1 of the Indian Councils Act, 1892 (55 and 56 Vict., Cap. 14), the Governor General is pleased to nominate Kunwar Sir Harnam Singh, Ahluwalia, K.C.I.E., of Kapurthala, to be an Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations.

J. M. MACPHERSON,

Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

PLAGUE.

Simla, the 3rd November, 1899.

No. 3053.—WHEREAS the Governor General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Ajudhia in the Faizabad District of the North-Western Provinces and Oudh if pligrims or other persons from the Salem District of the Madras Presidency, the Bombay Presidency (including Sind), Calcutta and the Saran District in Bengal, the Hoshiarpur and Jullundur Districts of the Punjab, the Nagpur District of the Central Provinces, and the Hyderabad, Baroda and Mysore States are permitted to assemble at that place on the occasion of the ensuing Katki fair:

In exercise of the powers conferred by section 2, sub-section (1), of the Epidemic Diseases Act (III of 1897), the Governor General in Council is pleased to direct that no tickets to travel by railway to the stations of Faizabad, Ajudhia, Ajudhia Ghat, Ranapali and Darshanagar on the Oudh and Rohilkhand Railway, and Lakarmandi, Katra and Nawabganj on the Bengal and North-Western Railway, shall be sold from the 9th to the 23rd November 1899 (both days inclusive) within the Salem District of the Madras Presidency, the Bombay Presidency (including Sind), Calcutta and the Saran District in Bengal, the Hoshiarpur and Jullundur Districts of the Punjab, the Nagpur District of the Central Provinces, and the Hyderabad, Baroda and Mysore States to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to the Katki fair at Ajudhia.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 3rd November, 1899.

PROMOTIONS.

No. 1177.—The following promotions are made, subject to Her Majesty's approval:—

INDIAN MEDICAL SERVICE.

Majors to the Lieutenant-Colonels.

31st October 1899.

Bengal Establishment.

George William Patrick Dennys.

John William Unthark Macnamara, M. D.

* * * * * * * *

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

No. 1183.—Third class Assistant Surgeon James Francis Fleming to be second class Assistant Surgeon, with effect from 14th September 1899.

H. F. CADELL, *Major*,

for *Secretary to the Government of India.*

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, NOVEMBER 16, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED OCTOBER 28, 1899.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

No. 3735.

Extract from the Proceedings of the Government of India, Department of Revenue and Agriculture (Meteorology),—dated Simla, the 24th October, 1899.

Read—

The Annual Report on the Administration of the Meteorological Department for the year 1898-99.

RESOLUTION.

The number of departmental observatories on the 31st March 1899 was the same as at the end of the preceding year, namely, 174. During the year Nowgong was brought on to the departmental list of observatories and arrangements were made for the establishment of an observatory at Vellore in Madras. Valuable information was received as usual from the observatories at Teheran and Ispahan. Temperature and wind observations were received from four stations on the Persian section of the Indo-European Telegraph Company's line. The department is indebted to the company for the valuable assistance accorded, more especially in the transmission of telegrams free of charge from Bushire, Jask, Ispahan and Teheran, which are of use in enabling forecasts to be made of cold weather storms from Persia to Northern India. With a view to extending observatories in Assam, which was imperfectly represented in the present system of observatories, arrangements have been made to establish five more observatories in that Province from the 1st January 1900.

2. The number of observatories inspected during the year under review was larger than in the previous year, and the condition of those inspected was found on the whole to be satisfactory.

3. The special observations of storms were less numerous than in the preceding five years, owing cheifly to the comparative absence of stormy weather during the year. Special observations of thunderstorms and lightning were taken at seven departmental observatories and also at Vizagapatam and Jaipur.

4. Seismological observations were recorded during the year at Alipur, Colaba and Madras, and an account of them will be given in next year's administration report of the Meteorological Department. The Kashmir State is making arrangements to take similar observations at the Srinagar Observatory now in course of erection. A list of the more important earthquake shocks reported by departmental observers and other officers is now given in the Monthly Weather Review.

5. Observations of the direction and apparent velocity of the upper clouds by means of Fineman's nephescopes were taken at five stations. Observations with photogrammeters for obtaining observations from which the average height and the rate and direction of motion of the various kinds of clouds may be estimated were taken at Allahabad, and arrangements have been made to publish in the Indian Meteorological Memoirs a statement of the complete series of these observations in the form desired by the International Meteorological Committee.

6. The work of Marine Meteorology was carried out during the year on the same lines as heretofore. The extracts from ships' logs received amounted to 2,189, and 9,906 barometric comparisons were made. The Marine data were chiefly utilized in the preparation of the daily weather charts of the Indian monsoon area.

7. Fairly complete and satisfactory information of the amount, distribution and time of occurrence of the snowfall in the Himalayan and Afghan Mountain areas was received and was an aid to forecasting the character of the south-west monsoon rainfall of 1899. The acknowledgments of the Government of India are due to the gentlemen who contributed information.

8. No change was made in the system of rainfall registration. The work of registration was carried out satisfactorily, and it may be said that the data are now fairly reliable. The reports of the officers controlling the registration, however, show that the work of inspection is imperfectly carried out in several provinces and that there are still many defects in the exposure of the raingauges and the registration by the rainfall observers. The Government of India trust that the attention of Local Governments and Administrations will continue to be directed to the subject, and that the omission on the part of the responsible officer in the Punjab, noticed in paragraph 47 of the report, will be rectified in future years. A statement giving the monthly and annual rainfall in each province from 1897 is now included in the Rainfall Volume, which hence forms a complete statement of the rainfall of the empire.

9. The usual forecast of the probable character of the rainfall during the south-west monsoon of 1898 was issued, and was fairly in accordance with the facts. The same may be said of the forecast of the winter rains of 1898-99.

10. The issue of storm warnings was conducted satisfactorily by the responsible officers. Ample and early definite warning was given in the case of all the more important storms which visited the Indian Coast during the year. Flood warnings were issued as in previous years to district officers and to officers of the irrigation and other branches of the Public Works Department. Weather telegrams were supplied as usual to Indigo planters in Bihar, and their usefulness was acknowledged. A circular was issued during the year with a view to securing increased accuracy and efficiency of storm and flood warnings by enlisting the co-operation of the officers receiving such reports. Reports received from these officers show that the warnings were generally timely and satisfactory.

11. The publications of the Department were issued with regularity. The first two parts of the discussion of the Trevandrum observations have been issued, and the Meteorological Reporter hopes to publish the third or last part shortly.

12. Departmental changes of some importance were sanctioned during the year which will be more fully dealt with in the next administration report. The Colaba, Madras and Kodaikanal observatories were transferred from Provincial to Imperial control and placed under the superintendence of the Meteorological Reporter, to whose designation has been added that of Director General of Indian Observatories. The number of 2nd class observatories has been reduced from 61 to 38, and steps have been taken to increase the efficiency of those retained. An additional European Officer has been posted to the Simla office to assist in the preparation of the Daily Weather Report, and the Meteorological Reporter and his first Assistant are now in a position to devote a considerable portion of their time to the discussion of accumulated data. New buildings for the accommodation of the Imperial Office have been erected in the grounds of the Alipore Observatory.

13. Material assistance to the work of Department was received as in previous years from the Survey, Telegraph and Postal Departments. The Department is also indebted to the Eastern Telegraph Company for the transmission free of charge of daily weather telegrams from Aden to Bombay.

14. The Government of India again desire to acknowledge the capable and energetic administration of the Department by Mr. Eliot, and the good work of his Assistants and the Provincial Reporters. As in previous years much valuable assistance has been given by gentlemen unconnected with the Department to whom the Government of India's acknowledgments are due.

ORDER.—Ordered that the foregoing Resolution be forwarded to the several Departments of the Government of India (except the Legislative Department), to Local Governments and Administrations, to the Director General, Indian Medical Service, to the Surveyor-General of India and to the Meteorological Reporter to the Government of India and Director General of Indian Observatories.

Ordered, also, that it be published in the Supplement to the *Gazette of India*.

[True Extract.]
T. W. HOLDERNESS,
Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 11, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

EXAMINATIONS.

Calcutta, the 9th November, 1899.

No. 655.—With reference to paragraph 1 of Home Department Notification No. 626, dated the 20th October 1899, it is hereby notified that the examination prescribed for filling vacancies in the Lower Division of the Secretariat Clerical Service of the Government of India and attached offices, and in the clerical establishments of the offices subordinate to the Government of Bengal, will be held at Calcutta in the Senate House of the Calcutta University, commencing on Saturday, the 6th January 1900.

The examination at Allahabad and Lahore of candidates for appointments in the Secretariat offices of the Government of India and attached offices will be held at the same time at the places to be appointed by the Governments of the North-Western Provinces and Oudh and the Punjab, respectively.

SANITARY.

PLAGUE.

The 10th November, 1899.

No. 3128.—Whereas the Governor General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Ballia in the Ballia District of the North-Western Provinces if persons from the Salem and Coimbatore Districts of the Madras Presidency, the Bombay Presidency (including Sind), Calcutta and the Saran District in Bengal, the Jullundur and Hoshiarpur Districts of the Punjab, the Nagpur Division of the Central Provinces, and the Hyderabad, Baroda and Mysore States are permitted to assemble at that place on the occasion of the ensuing Dadri fair:

In exercise of the powers conferred by section 2, sub-section (*1*), of the Epidemic Diseases Act (III of 1897), the Governor General in Council is pleased to direct that no tickets to travel by railway to the stations of Ballia and Bansdih Road on the Bengal and North-Western Railway shall be sold from the 12th to the 27th November 1899 (both days inclusive) within the Salem and Coimbatore Districts of the Madras Presidency, the Bombay Presidency (including Sind), Calcutta and the Saran District in Bengal, the Jullundur and Hoshiarpur Districts of the Punjab, the Nagpur District of the Central Provinces, and the Hyderabad, Baroda and Mysore States to any person intending or believed to be intending to proceed to the Dadri fair at Ballia.

JUDICIAL.

The 10th November, 1899.

No. 1609.—The services of Lieutenant-Colonel A. K. Macpherson, Cantonment Magistrate, Kasauli, are replaced at the disposal of His Excellency the Commander-in-Chief in India, with effect from the afternoon of the 29th November 1899.

A. H. L. FRASER,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 10th November, 1899.

LONDON GAZETTE.

No. 1193.—The following extracts are published for general information :—

"*London Gazette," dated the 17th October, 1899, pages 6263, 6264, 6266 and 6267.*

* * * * * * * *

India Office, 17th October, 1899.

The Queen has approved of the following Promotions among the Officers of the Staff Corps, * * * made by the Government of India :—

INDIAN STAFF CORPS.

Majors to be Lieutenant-Colonels.

* * * * * * * *

Dated 9th August, 1899.

* * * * * * * *

Francis William Egerton.

* * * * * * * *

Captains to be Majors.

* * * * * * * *

Dated 13th August, 1899.

* * * * * * * *

James Robert Dunlop-Smith.

* * * * * * * *

Thomas Henry Bairnsfather.

* * * * * * * *

Lieutenants to be Captains.

* * * * * * * *

Dated 22nd August, 1899.

* * * * * * * *

John Graham Crosthwaite.

* * * * * * * *

Cecil Patton Down.

* * * * * * * *

Denys Brooke Blakeway.

* * * * * * * *

Arthur Francis Ferguson-Davie, D. S. O.

* * * * * * * *

The Queen has also approved of the retirement of the undermentioned Officers :—

* * * * * * * *

Major Thomas Henry Bairnsfather. Dated 14th August, 1899.

* * * * * * * *

VOLUNTEER CORPS.

MEDALS AND DECORATIONS.

No 1218.—The undermentioned members of the Volunteer Force are granted the Volunteer long-service medal under the provisions of clause 152, India Army Circulars of 1895 :—

* * * * * * * *

1st Punjab Volunteer Rifles.

Orderly-room Sergeant J. Considine.
Sergeant W. Hawkins.
Corporal E. Lewis.

* * * * * * * *

E. DEBRATH, *Lieut.-Col.,*
for *Secretary to the Government of India.*

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 8th November, 1899.

No. 472.—The following promotions are ordered in the Superior Accounts Branch :—

Name.	From	To	Nature of promotion.	With effect from
* *	* *	* *	*	*
Jai Kishan ...	Deputy Examiner, class I	Examiner, class IV ...	Temporary ...	29th September, 1899.
* *	* *	* *	*	*

F. R. UPCOTT,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, NOVEMBER 23, 1899.

PART II.

Republications from the "Gazette of India."

EXTRACT FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 2, 1899.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

The 29th August, 1899.

No. 366.—The Governor General in Council is pleased to order the following promotions to and in the classes of Chief and Superintending Engineers, with effect from the dates specified:—

Name.	From	To	Nature of promotion.	With effect from
				1899.
Kennedy, R. G. ...	Superintending Engineer, 2nd Class, sub. *pro tem.*	Superintending Engineer, and Class.	Permanent ...	1st May.
Mullaly, J. J. ...	Superintending Engineer, 3rd Class.	Superintending Engineer, 2nd Class.	Temporary ...	30th June.

T. HIGHAM,

Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 18, 1899.

HOME DEPARTMENT.

NOTIFICATION.

ECCLESIASTICAL.

Calcutta, the 16th November, 1899.

No. 512.—The Reverend E. J. Warlow, M. A., a Junior Chaplain on the Bengal (Lahore) Ecclesiastical Establishment, to be a Senior Chaplain with effect from the 9th November 1899.

A. H. L. FRASER,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 9th November, 1899.

No. 2921-*F*.—The services of Brevet-Major R. Harman, D.S.O., Indian Staff Corps, are placed at the disposal of the Government of the Punjab, for employment as Commandant of the Wana Levies.

The 13th November 1899.

No. 3387-*I.-B.*—Whereas His Highness the Nawab of Bahawalpur has ceded to the British Government full and exclusive power and jurisdiction of every kind over the lands lying within his State which are, or may hereafter be, occupied by the Southern Punjab Railway (including the lands occupied by stations, by out-buildings, and for other railway purposes), and over all persons and things whatsoever within the said lands :

In exercise of such jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to provide as follows for the administration of justice within the said lands :—

I.—All laws for the time being in force in the Multan District of the Punjab shall be in force in the said lands.

II.—The Lieutenant-Governor of the Punjab and all officers subordinate to the Government of the Punjab, for the time being exercising executive authority (other than in connection with the administration of the Police) within the Multan District, shall exercise the like authority within the said lands.

III.—All Courts having for the time being jurisdiction within the Multan District shall have the like jurisdiction within the said lands.

IV.—The administration of the Police within the said lands shall be vested in the Assistant Inspector-General of Railway Police, or such other officer as the Lieutenant-Governor of the Punjab may appoint in that behalf, who shall exercise within the said lands the same police powers as the District Superintendent of Police may for the time being exercise in the Multan District, in subordination to the Deputy Commissioner of the Multan District and the Inspector-General of Police in the Punjab.

The 14th November, 1899.

No. 2956-*F*.—Captain G. O. Roos-Keppel, Indian Staff Corps, an Assistant Commissioner of the 3rd grade in the Punjab, is appointed to be Political Officer in the Khyber, with effect from the 15th September, 1899.

H. S. BARNES,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 17th November, 1899.

No. 488.—Mr. A. H. Johnston, Supervisor, 2nd grade, Military Works Services, and Officiating Assistant Engineer, Punjab, Public Works Department, is appointed to the Provincial Service of the Engineer Branch of the Public Works Department as an Assistant Engineer, 3rd grade, and posted to Punjab.

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, NOVEMBER 30, 1899.

PART II.

Republications from the "Gazette of India."

EXTRACT FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 25, 1899.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Calcutta, the 23rd November, 1899.

No. 2257—141-7.—Veterinary Lieutenant A. Smith, Superintendent, Civil Veterinary Department, South Punjab, held charge of the office of Superintendent, Civil Veterinary Department, North-Western Provinces and Oudh, in addition to his own duties, from the 19th September to the 20th October, 1899.

T. W. HOLDERNESS,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 24th November, 1899.

APPOINTMENT.

PERSONAL STAFF.

No. 1243.—The following appointment has been made on the personal staff of the Honourable the Lieutenant-Governor of the Punjab :—

To be Aide-de-Camp.

Captain G. W. Rawlins, 12th Regiment of Bengal Cavalry, dated 11th November, 1899.

E. DEBRATH, *Lieut.-Col.*,

for *Secretary to the Government of India.*

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 20th November, 1899.

No. 490.—With the sanction of Her Majesty's Secretary of State for India, the Government of India are pleased to appoint the following temporary Engineers, employed in the Punjab Irrigation Branch, to the permanent Engineer Establishment of that Branch, in the grades noted against each, with effect from the 15th July 1899 :—

Mr. C. B. Williams,	Assistant Engineer,	1st Grade.
Mr. F. Bates,	,, ,,	2nd ,,
Mr. J. N. Taylor,	,, ,,	2nd ,,
Mr. E. R. Foy,	,, ,,	3rd ,,
Mr. W. Mulholland	,, ,,	3rd ,,

T. HIGHAM,

Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, DECEMBER 7, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 2, 1899.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 1st December 1899.

No. 2794.—The following Rules regarding the use of uniform by officers in civil employ are published for general information :—

RULES REGARDING THE USE OF UNIFORM BY OFFICERS IN CIVIL EMPLOY.

[These Rules will not apply to officers holding purely political appointments whose uniform will continue to be regulated by the orders issued in the Foreign Department.]

I.—The uniform to be worn by officers in civil employ will be that shown in the Schedule appended to these Rules.

II.—Civil officers who do not hold purely political appointments, but merely have some political work to do in addition to the ordinary duties of their office, are not entitled to wear political uniform.

III.—An officer is not entitled to continue to wear the uniform of an office which he has ceased to hold.

IV.—Military officers in civil employ will continue to wear uniform under the existing orders (Military Department No. 2504-E., dated the 16th November 1887). But when a Military Officer is appointed substantively to any civil office for which uniform is prescribed, he shall wear the uniform of that offic

V.—An officer appointed temporarily to an office for which a uniform is prescribed, need not wear that uniform.

SCHEDULE.

OFFICES AND APPOINTMENTS THE HOLDERS OF WHICH ARE INTITLED TO WEAR UNIFORM.

PART I.

Offices and appointments under the Government of India.

Offices and appointments.	Uniform to be worn.
1. Ordinary Members of the Council of the Governor-General.	The uniform prescribed for officers of the third class in the Lord Chamberlain's "Schedule of Civil Uniforms," page 10 (extract annexed).
2. Secretaries, Deputy Secretaries and Under-Secretaries to the Government of India in the following Departments :— Home, Revenue and Agriculture, Finance and Commerce, Public Works, Legislative. 3. Heads of Departments subordinate to the Government of India, *viz*,— Director-General of Telegraphs, Inspector-General of Forests, Director, Geological Survey, Meteorological Reporter to the Government of India, Comptroller and Auditor General, Director-General of the Post Office, Commissioner, Northern India Salt Revenue.	First class uniform as defined in the "Memorandum of Political Uniforms" attached to Foreign Department Circular No. 540-G., dated the 30th March 1893 (copy annexed).

PART II.

Heads of Local Governments and Administrations and officers holding appointments subordinate to them.

Officers and appointments.	Uniform to be worn.
1. The Governors of Madras and Bombay...	The uniform prescribed for officers of the first class in the Lord Chamberlain's "Schedule of Civil Uniforms," page 10 (extract annexed).
2. Lieutenant-Governors	The uniform prescribed for officers of the second class in the Lord Chamberlain's "Schedule of Civil Uniforms," page 10 (extract annexed).
3. Chief Commissioners of the Central Provinces and Assam.	First class uniform as defined in the "Memorandum of Political Uniforms" attached to Foreign Department Circular No. 540-G., dated the 30th March 1893 (copy annexed).
4. Ordinary Members of the Councils of the Governors of Madras and Bombay.	The uniform prescribed for officers of the third class in the Lord Chamberlain's "Schedule of Civil Uniforms," page 10 (extract annexed).
5. Secretaries. Heads of the principal Departments. Commissioners of Divisions and Revenue Officers superior to them. Private Secretaries to Governors.	First class uniform, as defined in the "Memorandum of Political Uniforms" attached to Foreign Department Circular No. 540-G., dated the 30th March 1893 (copy annexed).
6. Private Secretaries to Lieutenant-Governors. Under-Secretaries in the Political Department.	Second class uniform as prescribed in the "Memorandum of Political Uniforms" attached to Foregin Department Circular No. 540-G., dated the 30th March 1893 (copy annexed).

A. H. L. FRASER,
Offg. Secy. to the Govt. of India.

HOME DEPARTMENT,
Dated Calcutta, the 22nd November 1898.

Memorandum of political uniforms attached to Foreign Department Circular No. 540-G., dated the 30th March 1893.

CLASS I.

FULL DRESS.

COAT.—Blue cloth, with lining of black silk; black velvet collar and cuffs; the coat embroidered in gold according to the pattern of 3rd class English Civil Levée uniform; embroidery to be three inches in width.

TROUSERS.—Blue cloth, with gold oak lace, two inches wide.

HAT.—Beaver cocked hat, with black silk cockade, black ostrich border feather; double gold bullion loop and plain gold tassel.

SWORD.—English pattern, with black scabbard and gilt mountings; sword-knot gold lace with bullion tassel.

SWORD BELT.—Silk shoulder, blue cloth frog for sword.

STOCK.—White.

BUTTONS.—Royal Arms, as per English pattern.

UNDRESS—(*Morning*).

COAT.—Blue cloth (frock), with black silk lining; black velvet collar and cuffs, and gilt buttons with Royal Arms; waistcoat white marsala, single-breasted, with buttons as above.

HAT.—Helmet, white felt, rim edged with gold; peak and neck-shade braided with gold; white silk puggree with gold fringe, according to sealed pattern.

TROUSERS.—Blue cloth, or white, according to circumstances, with gold oak-leaf one inch wide, straps and gilt swan-necked spurs.

SWORD.—Mameluke pattern. Brass scabbard.

SWORD BELT.—Sling Russia-leather one inch wide, covered with gold oak-leaf lace.

FORAGE CAP.—Blue cloth, with gold embroidered peak, and band of gold oak-leaf lace two inches wide round the cap.

EVENING DRESS.

COAT.—Blue cloth evening coat, black lining; velvet collar and cuffs; facings plain black silk; waistcoat white marsala, single-breasted, buttons as in morning undress.

TROUSERS.—Plain black cloth.

CLASS II.

FULL DRESS.

COAT.—Blue cloth, with black silk lining, black velvet collar and cuffs; the coat embroidered in gold according to the pattern of 5th class English Civil Levée uniform.

TROUSERS.—Blue cloth, with gold oak lace one inch wide.

HAT.—Beaver cocked hat, with black silk cockade, black ostrich border feather; double gold bullion loop and plain gold tassel.

SWORD.—English pattern, with black scabbard and gilt mountings; sword-knot gold lace with bullion tassel.

SWORD BELT.—Silk shoulder, blue cloth frog for sword.

STOCK.—White.

BUTTONS.—Royal Arms, as per English pattern.

UNDRESS (*Morning*).

COAT.—Blue cloth (frock), with black silk lining; velvet collar and cuffs and gild buttons with Royal Arms; waistcoat white marsala, single-breasted, with buttons as above.

HAT.—Helmet, white felt, rim edged with gold, with white silk puggree, according to sealed pattern.

TROUSERS.—Blue cloth, or white, according to circumstances, with gold oak-leaf half inch wide, straps and gilt swan-neck spurs.

SWORD.—Mameluke pattern. Steel scabbard.

SWORD BELT.—Sling, Russia-leather one inch wide, covered with gold oak-leaf lace.

FORAGE CAP.—Blue cloth, with gold embroidered peak, and band of gold oak-leaf lace two inches wide round the cap.

EVENING DRESS.

COAT.—Blue cloth evening coat, black lining; velvet collar and cuffs, facings plain black silk; waistcoat white marsala, single-breasted, buttons as in morning undress.

TROUSERS.—Plain black cloth.

N.B.—The Helmet may be worn with full dress when the Officer is exposed to the sun.

Extract from the Lord Chamberlain's "Schedule of Civil Uniforms," page 10.

FULL DRESS.

COAT.—Blue Cloth, lined with Black Silk, Black Velvet Collar and Cuffs, Gold Embroidery.

	1st Class,	5 inches wide.
	2nd ,,	4 ,, ,,
Same Coat, both for Full and Undress.	*3rd* ,,	3 ,, ,,
	4th ,,	2 ,, ,,
	5th ,,	⅝ inch ,,

BREECHES.—White Kerseymere, with Covered Buttons at the Knees.

STOCKINGS.—White Silk.

SHOES.—With Gilt Buckles.

HAT.—*1st Class*—Black Beaver Cocked Hat, Black Silk Cockade, *White* Ostrich Border Feather, Treble Gold Bullion Loop, with Tassels and Hangers.

2nd Class—Same, but with Double Gold Bullion Loop, Plain Gold Tassels without Hangers.

3rd, 4th and 5th Class—Same, but with *Black* Ostrich Border Feather and Plaited Gold Bullion Loop on Tassels.

SWORD.—Black Scabbard with Gilt Mountings, the Sword Knot Gold Lace Bullion Tassel.

SWORD BELT.—Silk Shoulder, with White Cloth Frog for Sword.

STOCK.—White.

BUTTONS.—*1st and 2nd Class*—With Supporters.

3rd, 4th, and 5th Class—Without Supporters.

For the Ambassadors, the Full Dress have the addition of Embroidered Sleeves, and also the Back Seams.

UNDRESS.

COAT.—Same width Embroidery as Full Dress, but only on Collar, Cuffs, and Pocket Flaps.

TROUSERS.—Blue Cloth, with Gold Oak Lace.

1st and 2nd Class,	2½ inches wide.	
3rd and 4th	" 2	" "
5th	" 1 inch	"

BOOTS—are worn with undress.

SWORD BELT.—Silk Shoulder, with Blue Cloth Frog.

ESTABLISHMENTS.

The 1st December 1899.

No. 715.—Mr. S. S. Thorburn has been permitted to resign Her Majesty's Indian Civil Service, with effect from the 24th November 1899.

H. P. HEWETT,
Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE.

COTTON DUTIES.

Calcutta, the 1st December 1899.

No. 5483-*S. R.*—In exercise of the power conferred by section 7 of the Cotton Duties Act, II of 1896, and in supersession of the Notification in this Department, No. 677-S. R., dated the 13th February 1897, the Governor-General in Council is pleased to fix, for the descriptions of cotton goods hereunder specified, tariff values as follows :—

GREY GOODS.

		Tariff value per lb. A.	P.
1.	Chadars and cholas, plain, or with borders not exceeding ¼" ...	6	0
2.	Ditto ditto, with borders exceeding ¼"	7	0
3.	Commissariat, sail, and tent cloth	6	0
4.	Dhutis, plain, or with borders not exceeding ¼"	6	0
5.	Ditto, with borders exceeding ¼"	6	6
6.	Ditto, black line border, calendered	6	3
7.	Domestics	6	0
8.	Dorias, including charkani and corded trousering	8	0
9.	Drills, jeans and twills	6	0
10.	Dangari cloth, including khadi and double cloth	6	0
11.	Jaconets	10	0
12.	Longcloth, plain	6	0
13.	Madapollams	6	6
14.	Mulls	12	0
15.	Printers	7	6
16.	Ditto (bhagavad)	6	0
17.	Sallas, including dhotars, dupattas, and uparnas	6	0
18.	Sárís	6	0
19.	Sheeting	6	0
20.	Sheets, bed, plain (other than twills)	6	0
21.	Shirtings, plain, or with borders not exceeding ¼"	6	0
22.	Ditto, with borders exceeding ¼"	6	6
23.	T-cloth, exceeding 20" in width, including China	6	0
24.	Ditto not exceeding 20" in width	6	6
25.	Zanzibar cloth, including American cloth	6	0

FANCY AND COLOURED GOODS.

		Tariff value per lb. A. P.
26.	Bed ticking, plain or drilled	7 6
27.	Blankets and blanketing, grey, unraised	6 0
28.	Ditto ditto, coloured, ditto	7 0
29.	Ditto ditto, grey, raised	7 0
30.	Ditto ditto, coloured, ditto	8 0
31.	Charsas	8 6
32.	Cholis and coloured sárís (sallas)	10 0
33.	Drills and jeans, striped or checked	7 0
34.	Figured goods, grey, including table-cloths, bed covers, and quilts	7 0
35.	Ditto, coloured	8 6
36.	Flannelettes	8 0
37.	Galatea, Thana cloth, and leheria	8 6
38.	Napkins	7 0
39.	Sheets and twills, figured and striped	7 6
40.	Striped cloth (coloured stripes), including ordinary susi and susi checks	7 0
41.	Towels, Turkish	8 6
42.	Ditto, honeycomb and other sorts	7 0
43.	Fents, grey	5 0
44.	Ditto coloured	6 0

Provided that any of the goods mentioned in the foregoing list when woven with borders of silk shall be assessed to duty *ad valorem.*

J. F. FINLAY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 30th November 1899.

No. 506.—Mr. W. G. G. Bayly, Examiner of Accounts, is, on the expiry of his privilege leave, transferred from the office of the Examiner of Accounts, North-Western Railway, to that of the Examiner, Public Works Accounts, Punjab.

No. 507.—Lála Jai Kishan, Examiner of Accounts, is transferred from the office of the Examiner, Public Works Accounts, Punjab, to that of the Examiner of Accounts, North-Western Railway.

F. R. UPCOTT,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

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LAHORE, THURSDAY, DECEMBER 14, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 9, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Calcutta, the 4th December 1899.

No. 724.—Mr. G. L. Smith is permitted to resign Her Majesty's Indian Civil Service with effect from the 6th January, 1900, or the subsequent date on which he may sail from India or relinquish charge of office in the event of his not taking subsidiary leave.

JUDICIAL.

The 6th December 1899.

No. 1744.—Lieutenant W. F. C. Tayler, 1st Punjab Cavalry, Officiating Cantonment Magistrate, Peshawar, is confirmed as a Cantonment Magistrate, with effect from the 30th November 1899.

J. P. HEWETT,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE.

POST OFFICE.

Calcutta, the 4th December 1899.

No. 5505-*S. R.*—In exercise of the power conferred by Section 36 of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following rule shall be substituted for Rule 41 of the Rules published in the Notification in this Department, No. 1429-C. S. R., dated the 30th March, 1899:—

41. (1) The sender of a registered article addressed to any country belonging to the Universal Postal Union shall be entitled to obtain an acknowledgment of its delivery by paying, at the time of posting the article, in addition to the postage and registration fee, a fee of one anna in the case of a registered article addressed to Ceylon, and of two annas in the case of a registered article addressed to any other such country.

(2) When the sender of a registered article addressed to any country belonging to the Universal Postal Union has not paid, at the time of posting, the fee for an acknowledgment of its delivery and subsequently desires to have an enquiry made by the Post Office regarding the disposal of the article, he shall be entitled to this service on payment of the same fee as that chargeable for an acknowledgment of delivery.

ACCOUNTS AND FINANCE.

MINT.

The 8th December 1899.

No. 5598-*A.*—In exercise of the power conferred by Section 16 of the Indian Coinage Act (XXIII of 1870) and in modification of clauses (1) and (2) of paragraph 1 of the Notification in the Finance Department, No. 664, dated the 13th February, 1891, the Governor-General in Council is pleased to authorise every officer in charge of a district treasury or a sub-treasury to cut or break silver coin under that section.

J. F. FINLAY,
Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED DECEMBER 9, 1899.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

REGULATIONS FOR THE FOREST SERVICE BRANCH OF COOPER'S HILL COLLEGE FOR 1900.

Circular No. 13 F.

Extract from the Proceedings of the Government of India in the Department of Revenue and Agriculture (Forest), dated Calcutta, the 29th November 1899.

READ the following Regulations for 1900 of the Forest Service Branch in Cooper's Hill College:—

REGULATIONS FOR THE FOREST SERVICE BRANCH OF THE ROYAL INDIAN ENGINEERING COLLEGE, COOPER'S HILL, FOR 1900.

[POST TOWN, STAINES. RAILWAY STATION, EGHAM. TELEGRAPH STATION, ENGLEFIELD GREEN.]

[*The arrangements hereinafter described are subject to revision unders the order of the Secretary of State for India.*]

1. The Royal Indian Engineering College is primarily maintained, under the orders of the Secretary of State for India in Council, for the education of candidates for the service of Government in the India Public Works, Telegraph, and Forest Departments; but it is open, to the extent of the accommodation available, to all persons desirous of following the course of study pursued in it.

INDIA FOREST DEPARTMENT APPOINTMENTS.

2. The examination, which will be conducted by the Civil Service Commissioners, will be simultaneous with and (except that German must be taken as an obligatory subject) in the same subjects and papers as the examination for the Indian Police Department,* which is usually held in June.

Candidates may undergo the written part of their examination in London, Edinburgh, or Dublin, or at any of the provincial centres at which the simultaneous examination of candidates for admission to the Royal Military College, Sandhurst, is to be held. A list of the probable centres may be obtained from the Civil Service Commissioners at any time after March 1899. The oral and practical parts of the examination will be held in London only.

A fee of £2 is required from candidates examined in London, but when the written examination is conducted elsewhere than in London, the fee is £3. Candidates examined at a college or school will probably be required to pay a local fee in addition to the fee of £3 (in order to defray the expenses of superintendence), as to which they should obtain early information from the college or school authorities. The fee payable to the Civil Service Commissioners must be paid by means of stamps of the specified amount. Instructions on this point will be issued to candidates about 10 days before the examination.

3. The number of candidates to be selected annually varies according to the requirements of the Forest Service in India; the figures as regards each particular year will be advertised from time to time. *In 1900 there will be seven appointments offered for competition.*

4. Candidates for the India Forest Department are selected under the following arrangements:—

(1) An applicant must be a natural born British subject, and must be above 17 and under 20 years of age on the 1st June of the year in which he competes for appointment. He must be unmarried, and if he marries before reaching India, he will forfeit his appointment.

(2) An applicant must send† to the Revenue Department of the India Office, on or before the 1st day of May of the year in which he proposes to compete—

(*a*) His name and parentage, a certificate or other satisfactory evidence of the date of his birth, and the written consent of parent or guardian that his name should be recorded as a candidate.

(*b*) A statement of the places of education at which he may have been, accompanied by testimonials of good conduct, during the last four years.

(3) Applicants will have to appear before a Medical Board‡ at the India Office, particular stress being laid upon good vision and hearing. A physical test will also be imposed, so as to ensure the selection of persons of active habits and powers of endurance.

* Candidates may, if qualified, enter for both the Police and the Forest Departments. They will, in such case, have to pay the fee due in respect of each examination.

† There is no form of application; the documents specified in paragraph 4 (2), clauses (*a*) and (*b*), should be enclosed in a covering letter addressed to the Secretary, Revenue Department, India Office, London.

‡ With a view to prevent parents and guardians from incurring the inconvenience and expense of preparing candidates who may be physically unfit for the Forest Service, it is suggested that before any such preparation is begun, candidates be submitted to examination by the medical adviser of the family, or any other qualified medical practitioner, with regard to the following points:—

1. A weak constitution.
2. Defective vision.
3. Impaired hearing.
4. The existence of any congenital defect.
5. The condition of the teeth.

It is to be understood that this private examination is merely suggested to lessen the chances of disappointment, and that it is by no means intended to take the place of, or to influence in any way the official examination, which is obligatory on all candidates.

On the subject of the standard of eyesight required for the Indian services, a pamphlet can be obtained on application to the Secretary, Revenue and Statistics Department, India Office.

(4) Applicants who have passed the medical examination and the physical test will be permitted to undergo an examination before the Civil Service Commissioners in the following subjects * (Classes I and II), marks being assigned as follows :—

CLASS I.†

Mathematics I (including Arithmetic)	3,000
German‡ (300 for colloquial)	2,000
Botany	2,000
English Composition	1,000
Geometrical Drawing	500
Freehand Drawing	500
Geography	500

CLASS II.

Mathematics II	2,000
Latin	2,000
French	2,000
Greek	2,000
English History	2,000
Chemistry and Heat	2,000
Physics	2,000
Physiography and Geology	2,000

Candidates must obtain such an aggregate of marks in the examination as a whole as may indicate, in the judgment of the Civil Service Commissioners, a competent amount of general proficiency.

(5) The Secretary of State will nominate as probationers such competitors as attain the highest aggregate of marks (provided they obtain the aggregate referred to above and satisfy the requisite conditions in other respects). These probationers will then enter the College, where they will be further trained for the Forest Service of India.

(6) If the full number of competent probationers required in any year cannot be obtained from the persons so examined, the Secretary of State reserves a discretion to fill up the deficiency by selecting any other person or persons whom, after consulting the authorities of the College, he may consider properly qualified to become probationers for the Forest Service.

5. The course of study for candidates for the India Forest Service extends over about three years. For about seven terms the candidates will prosecute their studies mainly at the College, and during the period of foreign study, which will occupy the remainder of the course, they will visit, under suitable supervision, such Continental forests as may be selected for the purpose. Excursions may also be made for purposes of instruction, both during term time and during part of the vacations.

6. Each annual session begins in September, and is divided into three terms, with vacations of about four weeks at Christmas, two weeks at Easter, and eight weeks in the summer.

7. A charge of £61 is made for each of the seven terms spent at the College; for the period of foreign study the charge is £150; the amounts must be paid terminally in advance to the Bank of England for the first seven terms, and the amount due for the period of foreign study must be paid before the period begins. Receivable orders, with full directions as to the mode of payment, will be forwarded from the India Office to the parents or guardians shortly before the fees fall due. A student will not be allowed to come into residence or to start for his study of foreign forests until his fee has been paid.

8. A deposit of £5 is required to be paid by each student on admission to the College as caution money, to cover charges incurred by him for damage to books, instruments, etc., or any College bills outstanding on leaving the College. Any balance over and above such charges will be repaid. This deposit is to be paid with the fee for the first term, making the total payment on that occasion £66.

9. The foregoing payments cover all charges for tuition, board according to the College tariff, lodging, with washing up to a cost of *2s.* a week, and ordinary medical

* Reprints of the papers set at previous examinations, together with tables of the marks assigned to the candidates, are published by the Civil Service Commissioners, and can be obtained through any booksellers. It must, however, be borne in mind that the Regulations under which these examinations were held differed in some respects from those under which the next examination will be held. The price of each reprint is one shilling.

† All the subjects of Class I may be taken up. Only two of the subjects of Class II may be taken up.

‡ Candidates must qualify in German.

attendance while in residence at the College. When students are on tour, and during the course of practical instruction, whether in Great Britain or on the Continent, the Secretary of State will defray the expenses of (1) board, lodging, and washing (the aggregate maximum expenditure under these heads being 10s. per diem); (2) travelling expenses; and (3) fees to local Forest officers, etc.

Students are required to provide their own class books and drawing instruments. Drawing paper, drawing boards, and surveying instruments are provided by the College.

10. The prescribed course of study comprises the following subjects :—

I.—Auxiliary Subjects.

1. Geometrical Drawing.
2. Freehand Drawing.
3. Surveying.
4. Forest Engineering.
5. Accounts.
6. German.
7. Mechanics.
8. Physics.
9. Chemistry.
10. Geology and Mineralogy.
11. Entomology.
12. Botany.
13. Drill and Gymnastics.

II.—Forestry, theoretical and practical, in all its branches.

11. Every student is required to conform to the College rules, to exhibit due diligence in his studies throughout the course, and to give evidence of satisfactory progress in such manner as may be required, failing which, or in the event of serious misconduct, he will be liable to be removed from the College, or to be sent back from the foreign study, which may entail the loss of his appointment.

12. During the course of study the proficiency of the students will be tested by periodical examinations, and on the termination of their studies there will be a final examination. Each student may also, at the discretion of the Secretary of State for India, be required from time to time to appear before the Medical Board, and should the result be unsatisfactory he cannot claim to be allowed to complete the course.

13. The subjects enumerated in paragraph 10 are grouped in certain main branches of study,* and a fixed minimum of qualification is required in each branch and in the subjects taught during the forest tours, as well as a certain minimum for all branches taken together. Students who obtain these minima will receive the College diploma in Forestry.

14. Candidates who have obtained this diploma, and are found to be of sound constitution and free from physical defects which would render them unsuitable for employment in the Forest Department (the final decision on which points will rest with the Secretary of State for India), will be appointed Assistant Conservators in the Forest Department of India in the order of their standing at the end of the final examination. They will be allowed before leaving the College to state their preference in respect to the Provinces to which they desire to be allotted; but the distribution will be made to the several Provinces according to the needs of the public service, at the discretion of the Secretary of State or India after consulting the President of the College. Officers are, however, at all times liable to be transferred from one Province to another at the pleasure of the Government of India.

15. Within a month of his nomination as Assistant Conservator, each nominee must sign articles of agreement describing the terms and conditions of his appointment; he must embark for India when required to do so by the Secretary of State, and will be provided with a free passage. Failure to embark at the stated time will, in the absence of satisfactory explanation, lead to forfeiture of appointment.

16. The pay of an Assistant Conservator of Forests will begin from the date of reporting arrival in India. Probationers who acquit themselves creditably during their course at Cooper's Hill College will begin on a salary of Rs. 350 a month. It will, however, rest with the President of the College to decide whether any of the probationers, though they have obtained the College diploma in Forestry, have failed to deserve that rate of initial salary. Such probationers, if any, will begin on a salary of Rs. 250 a month; and this difference of salary will continue until the first departmental examination is passed in India. Officers entering the Forest Service will be required to contribute a subscription ranging from a compulsory minimum of 5 per cent. up to a voluntary maximum of 10 per cent. of their salary to the Forest Officers' Provident Fund. Such contributions, with compound interest, will accumulate till the date of retirement, when the total sum will be paid to the contributor, or, in the event of death before retirement, to his legal representative.

* For details *see* Royal Indian Engineering College Calendar.

17. Promotion, leave, and pension will be governed by the regulations laid down by the Government of India and made applicable to Forest officers, such regulations being subject to any modifications or alterations which may be made in them from time to time by the Government of India, and their interpretation in case of any doubt arising being left to that Government. The pension rules applicable to Public Works and Telegraph officers appointed from Cooper's Hill College have been extended to Forest officers appointed from England; and the Inspector-General of Forests and Conservators of the 1st Grade are now eligible for the extra pension of Rs. 1,oco per annum admissible to an officer after at least three years of approved service as a head of a department in any Province, if considered deserving of the special concession. A copy of the regulations relative to these matters can be seen on applicaticn either at the Library or the Record Department of the India Office; the principal rules are contained in the Abstract of the Civil Service Regulations, as given in the "India List and India Office List" published by Messrs. Harrison and Sons, 59, Pall Mall, London, which can be procured through any bookseller.

18. Every candidate, before proceeding to India, will be required to furnish to the President of the College satisfactory evidence of his competency in riding.

GENERAL RULES.

19. Chemical, physical, and botanical laboratories, a forestry museum, a forest nursery, a library, and gymnasium are attached to the College. Means are also provided for the practice of photography. Students making use of the laboratories are supplied with the needful apparatus.

20. The responsibility for the descipline and management of the College and for the superintendence of the studies is vested in the President, under the control of the Secretary of State for India.

21. The students are distributed in divisions, under personal charge of one of the Professors or Instructors selected by the President; such tutor being responsible for exercising the proper degree of personal supervision over each student in his division, and for conducting necessary correspondence with the student's parents or guardians.

22. Each student residing in the College is provided with a separate room, and with fuel and light, also with the necessary attendance. Furniture and bedding are supplied by the College, but students are required to provide their own towels and bed linen. Meals are taken in Hall. Wine and beer are not included in the ordinary fare, but can be obtained from the College cellar at fixed prices.

23. A chapel is attached to the College, which the students residing in the College are expected to attend, unless specially exempted.

24. Every student will be required to go through a course of gymnastics and also of military exercises, including the use of the rifle.

25. Students are required to wear academical dress, under such regulations as may be prescribed from time time.

STUDENTS NOT NOMINATED FOR THE INDIAN FOREST SERVICE, BUT DESIROUS OF OBTAINING A DIPLOMA IN FORESTRY FROM COOPER'S HILL COLLEGE.

26. Students not nominated for the Indian Forest Service may be received into the College, as far as the available accommodation permits. Such students may pass through the course of instruction prescribed for the nominees of the Indian Forest Service, as detailed above, or they may be permitted to participate in the instruction given in certain subjects only. On attaining the prescribed minima of marks in the several branches of study and in totals as laid down above, they will receive, as the case may require either the College diploma in Forestry or special certificates showing in what subjects, they have followed the instruction, and with what result.

27. Candidates who desire to be admitted under paragraph 26 may submit the necessary application at any time, but not later than the 15th day of June of the year named for admission, except with the special permission of the President. The application must be made on the prescribed forms, which can be obtained from the Secretary of the College.

28. Candidates whose applications are found satisfactory as to character and in other respects will be required to undergo an examination, to be held at the College, about the last week in June af the year for admission. The object of the examination will be to ascertain whether the candidate is qualified to follow the course of instruction with advantage (or certain parts of it, as the case may be). Candidates who do not come up to the required standard will not be admitted to the College.

The President may dispense with the whole or any portion of this examination in the case of a candidate who produces an University diploma, or other similar certificate granted by a recognised examining body.

29. Candidates admitted to the College under paragraph 26, who propose to pass through the full prescribed course of study, will be required to pay the same fees in every respect as those paid by the nominees for the Indian Forest Service. Candidates who do not become resident, and are admitted only to certain subjects of study, will be required to pay the fees which may be fixed in each special case in consideration of the extent of their studies. The candidates of both classes will be required to abide by the general rules of the College.

FOREST EXAMINATION.

SYLLABUS.

Mathematics I.—Arithmetic; Algebra up to and including the Binomial Theorem; the theory and use of logarithms; Euclid, Books I to IV and VI; Plane Trigonometry, up to and including solution of triangles; Mensuration.

Mathematics II.—Further questions on the Syllabus of Mathematics I; Elementary Solid Geometry, including Euclid, Book XI, Propositions 1 to 21; Euclid, Book XII, Propositions 1 and 2; Geometrical Conic Sections, the elementary properties common to the ellipse, parabola, and hyperbola; Dynamics and Statics, uniform and uniformly accelerated rectilinear motion, uniform circular motion, motion of projectiles (not requiring a knowledge of the parabola), equlibrium of forces in one plane and of parallel forces, the centre of mass, and the construction and use of the simpler machines.

Latin.—Passages selected from the authors usually read in schools will be set for translation into English. Passages from English authors will be given for translation into Latin prose and verse, but candidates will be allowed, in the place of verse composition, to answer questions of a simple character, which will test whether they possess a fundamental knowledge of the grammar of the language, and such an elementary aquaintance with Roman History as is required for the intelligent study of the books they have read.

Greek.—Passages will be set for translation into English from the authors usually read in schools, and in other respects the examination will proceed on the same lines as in Latin.

French.—Translations of unseen passages from French into English and from English into French. The passages for translation will be taken mainly from standard authors, and a few simple questions may be asked on the passages set, as to the structure and character of the language, and allusions of obvious and general interest. The *vivâ voce* examination will include Dictation. Three hundred marks will be allotted to colloquial knowledge of the language.

German.—The passages for translation will be taken mainly from standard authors, and in other respects the examination will proceed on the same lines as in French.

English Composition—Candidates will be tested by précis-writing, as well as by an essay. The standard of positive merit will be looked for in logical arrangement of thought, and in accuracy and propriety of expression, but large deductions of marks will be made for faults of writing and spelling.

(Candidates are also warned that for similar faults in the use of the English language, similar deductions will be made from the marks obtained in other subjects)

Geometrical Drawing.—Practical plane geometry; the construction of scales; and the elements of solid geometry, and of simple orthographic projection. Great importance will be attached to neatness and exactness of drawing.

Geography.—Simple questions in descriptive and general geography.

English History.—The General Paper in this subject will be confined to events subsequent to the Norman Conquest. It will test whether the candidates are accurately acquainted with the facts of English History, and also possess an intelligent knowledge of the meaning of the facts.

The paper on the special period will be confined to distinctly modern history. It will require from the candidates more minute knowledge than the General Paper.

The Special Period will be for 1900:—From 1714 to 1784.

Natural Science Subjects.—The standard of examination in these subjects will be such as may be reasonably expected from the education given at schools possessing appliances for practical instruction, such as a laboratory, etc. A considerable portion of the marks will be given for proficiency shown in the practical part of the examination. A knowledge of the metric system will be expected.

Chemistry.—The laws of chemical combination and decomposition, and the preparation, classification, and properties of the principal metallic and non-metallic elements, and of such of their compounds as are treated of in inorganic chemistry. In the practical part of the examination only the more ordinary apparatus and the less dangerous reagents will be supplied, and no candidate will be allowed to bring his own apparatus or reagents.

Heat.—The elementary portion of the subject.

Physics.—The elementary properties of electricity, magnetism, light, and sound.

Physiography, i. e., physical geography.

Geology.—Chiefly economic, including the recognition of the more familiar minerals and rocks, and their properties and uses.

Botany.—The elementary parts of vegetable morphology, histology, and physiology, and the principles of a natural system of classification as illustrated by the more important British natural orders. Candidates will be required to describe plants in technical language.

(Questions will not be set on vegetable palæontology or on the geographical distribution of plants.)

ORDER.—Ordered that a copy be forwarded, for information, to the Governments of Madras and Bombay, the Local Governments and Administrations noted in the margin, the Inspector-General of Forests, and the Comptroller and Auditor General.

Bengal.	Assam.
North-Western Provinces and Oudh.	Coorg.
Punjab.	Ajmere.
Burma.	Andamans.
Central Provinces.	Balúchistán.
	Hyderabad.

Ordered, also, that these papers be published in the Supplement to the *Gazette of India.*

[True Extract.]

T. W. HOLDERNESS,

Secretary to the Government of India.

GOVERNMENT OF INDIA.—HOME DEPARTMENT.

CERTIFICATES OF IDENTITY TO BE GIVEN TO INDIAN STUDENTS AND OTHERS VISITING ENGLAND.

No. 2831-2842.

Extract from the Proceedings of the Government of India in the Home Department (Public), under date Calcutta, the 8th December 1899.

RESOLUTION.

THE Secretary of State for India has brought to the notice of the Government of India that it not infrequently happens that natives of India, students or others, who have proceeded to England, desire to obtain passports to enable them to travel to foreign countries in which the possession of a passport is necessary or desirable, and that difficulty often arises from want of evidence to show that the applicant is a British subject and therefore entitled to a passport. Appeals for assistance are also frequently addressed to His Lordship by destitute Indians who desire to return to their country and by students who, owing to embarrassed circumstances, are unable to complete their course of education.

2. In order to enable the Secretary of State to deal with such cases satisfactorily, the Governor-General in Council has decided that it is necessary to press upon Indian students and others visiting England the desirability of providing themselves, before their departure from India, with an authoritative certificate of identity, in the form appended to this Resolution, signed by the head of the district (in a Presidency Town, the Commissioner of Police) in the case of residents of British India and by the Political Officer in that of residents of Native States. For a student the certificate should be signed by the head of his last school or college and countersigned by the District Officer (in a Presidency Town, the Commissioner of Police) or Political Officer, as the case may be.

3. The District or Political Officer or head of the school or college will not refuse an applicant a certificate if his means do not appear to be sufficient to enable him to effect his object, but will merely attempt to dissuade him from undertaking the journey, pointing out the difficulties in which the applicant would be placed were he to find himself in a foreign country without sufficient means. The possession of a certificate of identity will especially be very useful to young men of good family, as it will enable the Secretary of State to obtain for them social and other attentions which may prove of great value.

4. The District or Political Officer will endorse on the certificate of identity his opinion whether the person is a British subject "by birth" or "by naturalization" (or a subject of a Native State) or not. Quarterly returns of the certificates granted will be submitted to the Local Governments and Administrations, who will forward them to the Government of India for transmission to the Secretary of State. But as it is necessary that no delay should occur, the District or Political Officer, when granting or countersigning a certificate, will at the same time send a copy of the certificate to the Under-Secretary of State for India direct.

5. Local Governments and Administrations are requested to take steps to secure that all reasonable facilities are given for obtaining certificates of identity, and that wide publicity is given to these orders.

ORDER.—Ordered that this Resolution be communicated to all Local Governments and Administrations for information and guidance.

Ordered also that a copy be sent to the Foreign Department for information and communication to Political Officers.

Ordered also that the Resolution be published in the *Gazette of India* for general information.

[True Extract.]

J. P. HEWETT,

Secretary to the Government of India.

FORM OF CERTIFICATE OF IDENTITY.

1. Name of applicant ____________
2. Father's name and caste ____________
3. Residence ____________
4. Age of applicant ____________
5. *Nationality of applicant ____________
6. Social and pecuniary status of father (or guardian) ____________
7. Date of probable departure of applicant from India ____________
8. Object of applicant's visit to England (Europe) ____________

Signature of District Officer (in a Presidency Town, the Commissioner of Police), or Political Officer, or head of school or college. †

Dated ____________

* *i.e.*, whether a British subject by birth or by naturalization (or a subject of a Native State).

† Countersignature of the District or Political Officer should be obtained on certificates signed by heads of schools or colleges.

No. 5504 S. R.

GOVERNMENT OF INDIA. FINANCE AND COMMERCE DEPARTMENT.

ACCOUNTS AND FINANCE

Stores.

RESOLUTION.

Calcutta, the 8th December 1899.

Read again—

Resolution in this Department, No. 2587 S. R., dated the 9th June 1898.

Read also—

Office Memorandum from the Public Works Department, No. 2020 R. S., dated the 19th October 1899.

RESOLUTION.—List A appended to the Resolution read above specifies articles of iron and steel manufactured from imported raw material which may be purchased in India subject to certain restrictions. The Governor-General in Council is pleased to direct that "Railway carriages, goods wagons, and underframes, axle-boxes, carriage and wagon bodies or other parts of railway carriages and wagons" shall be added to the list.

Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, the Punjab, and Burma.
The Chief Commissioners of the Central Provinces, Assam, Ajmere, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor-General in Central India, Rájpútána, and Balúchistan.

ORDER.—Ordered, that this Resolution be communicated to the Local Governments and Administrations noted on the margin for information and guidance.

Ordered, also, that copy be forwarded to the Military and Public Works Departments, and that it be published in the Supplement to the *Gazette of India*.

J. F. FINLAY,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, DECEMBER 21, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 16, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

JUDICIAL.

Calcutta, the 15th December 1899.

No. 1804.—The following Proclamation by His Excellency the Governor-General, dated the 14th December 1899, is published for general information :—

PROCLAMATION.

I, George Nathaniel, Baron Curzon of Kedleston, Governor-General of India and *ex-officio* Vice-Admiral therein, being satisfied thereof by information received by me, do hereby proclaim that war has broken out between Her Majesty and the South African Republic and the Orange Free State.

CURZON OF KEDLESTON.

J. P. HEWETT,

Secretary to the Government of India.

SANITARY.

PLAGUE

The 11th December 1899.

No. 3340.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Benares if pilgrims or other persons from the Madras Presidency, the Bombay Presidency (including Sind), Calcutta and the Saran District of Bengal, the Jullundur District of the Punjab, the Nagpur Division of the Central Provinces and the Hyderabad, Mysore and Baroda States are permitted to assemble at that place on the occasion of the ensuing Lunar Eclipse :

In exercise of the powers conferred by section 2, sub-section (1), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to the stations of Mogal Sarai, Kashi, Benares Cantonment, and Shiupur on the Oudh and Rohilkhand Railway and Alaipur (Benares City) on the Bengal and North-Western Railway, shall be sold from the 11th December to the 15th December 1899 (both days inclusive) within the Madras Presidency, the Bombay Presidency (including Sind), Calcutta and the Saran District of Bengal, the Jullundur District of the Punjab, the Nagpur Division of the Central Provinces, and the Hyderabad, Mysore and Baroda States to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to Benares.

JAILS.

The 13th December 1899.

No. 537.—Under the provisions of section 33 of the Prisoners' Act, 1871 (V of 1871), as amended by section 2 of the Prisoners' Act Amendment Act, 1882 (IX of 1882), the Governor-General in Council is pleased to appoint the following jails in the Madras Presidency as places to which persons sentenced to transportation may be sent:—

The Central Jails at Rajahmundry, Vellore, Salem, Trichinopoly, Coimbatore and Cannanore and Her Majesty's Penitentiary at Madras.

2. Home Department Notification No. 953, dated the 11th June 1868, is hereby cancelled.

No. 539.—Under the provisions of section 33 of the Prisoners' Act, 1871 (V of 1871), as amended by section 2 of the Prisoners' Act Amendment Act, 1882 (IX of 1882), the Governor-General in Council is pleased to appoint the following jails in Bengal as places to which persons sentenced to transportation may be sent:—

All Central Jails, and the Presidency Jail in Calcutta.

2. Home Department Notifications No. 153, dated the 20th January 1870, and No. 1481, dated the 28th August 1873, are hereby cancelled.

J. P. HEWETT,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 15th December 1899.

No. 1947 *E.B.*—It is hereby notified for general information that the Government of the United States of America has decided that it is necessary for all British subjects visiting the Philippine Islands to provide themselves with passports to prove their nationality.

The Consul-General for the United States at Singapore has received instructions to notify the Masters and Agents of steamers clearing for the Philippines to issue passage tickets only to those persons whose papers have been visaed at the American Consulate at Singapore.

W. J. CUNINGHAN,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

STATISTICS AND COMMERCE.

CUSTOMS

Calcutta, the 15th December 1899.

No. 5720 *S.R.*—In exercise of the power conferred by sub-section (*2*) of section 8A of the Indian Tariff Act, 1894 (VIII of 1894, as amended by Acts III of 1896 and XIV of 1899), and in supersession of the rates of additional duty on the kinds of sugar mentioned against Germany in the Notification in this Department, No. 3934 S. R., dated the 23rd August 1899, the Governor-General in Council is pleased to declare that the rates shall be revised as follows, with effect from the date of this Notification :—

For

Kinds of sugar.	Bounties bestowed.	Additional duties to be levied.
		Per cwt. Rs. A. P.
Raw sugar of at least 90 per cent. polarization ...	2·40 marks per 100 kilograms ...	0 14 7
Refined sugar under 98 per cent., and of at least 90 per cent., polarization.	2·50 marks per 100 kilograms ...	0 15 3
Candy and sugar in white, hard loaves, blocks, crystals, etc., of at least 99½ per cent. polarization.	3·55 marks per 100 kilograms ...	1 6 0
All other sugar of at least 98 per cent. polarization ...	3 marks per 100 kilograms ...	1 2 0

Read

Kinds of sugar.	Bounties bestowed.	Additional duties to be levied.
		Per cwt. Rs. A. P.
Raw sugar of at least 90 per cent polarization ...	2·40 marks per 100 kilograms ...	0 14 4
Refined sugar under 98 per cent., and of at least 90 per cent. polarization.		
Candy and sugar in white, hard loaves, blocks, crystals, etc., of at least 99½ per cent. polarization.	3·44 marks per 100 kilograms ...	1 4 7
All other sugar of at least 98 per cent. polarization ...	2·89 marks per 100 kilograms ...	1 1 3

SEPARATE REVENUE.

STAMPS.

The 15th December 1899.

No. 5713 *S. R.*—In exercise of the power conferred by section 9, clause (*a*), of the Indian Stamp Act, 1899 (II of 1899), the Governor-General in Council is pleased to remit the duty chargeable under the said Act on any apprenticeship-deed whereby a person is bound apprentice to the Superintendent of Government Printing, India, to learn the business of a distributor or of a compositor.

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 15th December 1899.

LONDON GAZETTE.

No. 1312.—The following extracts are published for general information :—

" *London Gazette,* " *dated the 17th November* 1899, *pages* 6906 *and* 6907.

India Office, 17th November 1899.

The Queen has approved of the following promotions among the Officers of the Staff Corps. * * * made by the Government of India :—

INDIAN STAFF CORPS.

* * * * * * * *

Lieutenants to be Captains.

* * * * * * * *

Dated 19th September 1899.

Bertram Clarke Waterfield.

* * * * * * * *

P. J. MAITLAND, *Major-Genl.,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 15th December 1899.

No. 526.—Mr. W. J. Britts, Accountant, 1st Grade, attached to the Office of the Examiner, Public Works Accounts, Punjab, is granted the honorary rank of Assistant Examiner of Accounts.

T. HIGHAM,
Joint Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, DECEMBER 28, 1899.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA" DATED DECEMBER 23, 1899.

HOME DEPARTMENT.

NOTIFICATIONS.

SANITARY

PLAGUE

Calcutta, the 22nd December 1899.

No. 3417.—Whereas the Governor-General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Allahabad in the North-Western Provinces if pilgrims or other persons from the Madras Presidency, the Bombay Presidency (including Sind), Calcutta and the Saran District of Bengal, the Jullundur District of the Punjab, the Nagpur Division of the Central Provinces, and the Hyderabad, Baroda and Mysore States are permitted to assemble at that place on the occasion of the ensuing Magh Mêla during the months of January and February 1900:

In exercise of the powers conferred by section 2, sub-section (*1*), of the Epidemic Diseases Act (III of 1897), the Governor-General in Council is pleased to direct that no tickets to travel by railway to the stations of Allahabad, Naini, Karchana, Jasra and Bamhrauli on the East Indian Railway shall be sold during the months of January and February 1900 within the Madras Presidency, the Bombay Presidency (including Sind), Calcutta and the Saran District of Bengal, the Jullundur District of the Punjab, the Nagpur Division of the Central Provinces, and the Hyderabad, Baroda and Mysore States to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to the Magh Mêla at Allahabad.

JUDICIAL.

The 21st December 1899.

No. 1833.—The services of Captain C. W. Field, Cantonment Magistrate, Meean Meer, are replaced at the disposal of His Excellency the Commander-in-Chief in India, with effect from the date on which he is relieved of his duties.

J. P. HEWETT,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 22nd December 1899.

VOLUNTEER CORPS.

APPOINTMENTS AND PROMOTIONS.

No. 1351.—*1st Punjab Volunteer Rifles*—

Lieutenant Herbert Henry Beatley to be Captain, *vice* Rogers, transferred to the Supernumerary List.

No. 1353.—*North-Western Railway Volunteer Rifles*—

Lieutenant-Colonel Stephen Finney, from the Eastern Bengal State Railway Volunteer Rifles, to be Commandant, with effect from the 25th June 1899, *vice* Brackenbury, resigned.

P. J. MAITLAND, *Major-Genl.*,

Secretary to the Government of India.

APPENDIX

TO

PART II

PUNJAB GOVERNMENT GAZETTE

DATED 6TH JULY 1899.

THE CANTONMENT CODE, 1899.

MILITARY DEPARTMENT.

Simla, the 16th June, 1899.

JUDICIAL.

No. 664.—In exercise of the powers conferred by sections 25, 26 and 27 of the Cantonments Act, 1889 (XIII of 1889), the Governor-General in Council is pleased to direct that, on and with effect from the first day of October, 1899, the following rules and applied enactments shall be in force in every cantonment in British India, other than Aden, save in so far as it may be for the time being excepted from the operation of any such rule in pursuance of an order made under sub-section (2) of the said section 27.

2. On and with effect from the date aforesaid, the rules, regulations and notifications hereinafter set forth shall be cancelled and cease to have effect, that is to say:

(1) all rules and regulations made under—

(a) Act XXII of 1864 (*an Act to make provision for the administration of military cantonments*);

(b) Madras Act IV of 1865 (*an Act to make provision for the administration of military cantonments in the Presidency of Fort St. George*);

(c) Madras Act I of 1866 (*an Act to repeal Madras Act IV of 1865 and to make provision for the administration of military cantonments in the Presidency of Fort St. George*);

(d) the Bombay Cantonment Act of 1867 (Bombay Act III of 1867); and

(e) the Cantonments Act, 1880 (III of 1880), sections 25 and 26; and

(2) the following Notifications of the Government of India in the Military Department, namely:

(a) Notification No. 597, dated the 22nd May, 1896;

(b) Notification No. 723, dated the 19th June, 1896;

(c) Notification No. 1117, dated the 9th October, 1896;

(d) Notification No. 26, dated the 8th January, 1897;

(e) Notification No. 162, dated the 5th February, 1897;

(f) Notification No. 1148, dated the 15th October, 1897; and

(g) Notification No. 229, dated the 3rd March, 1899.

CONTENTS.

THE CANTONMENT CODE, 1899.

CHAPTER I.

PRELIMINARY.

Short Title.

1. These rules and applied enactments may be called the Cantonment Code, 1899.

Short title.

General Definitions.

2. (*1*) In this Code, unless there is anything repugnant in the subject or context,—

Definitions.

(*a*) "Accountant General" means the Civil Accountant General or Comptroller:

(*b*) "bazar" means any land in a cantonment which has been set apart for the purposes of trade or the residence of natives or any other purpose, and the boundaries of which have been demarcated by pillars or posts and specified, by, or under the authority of the General Officer of the Command, in Command Orders:

(*c*) "Command" means one of the principal portions into which the Army in India is, for the time being, divided:

(*d*) "dairy" includes every farm, shed, milk-store, milk-shop or other place from which milk is supplied, or in which milk is kept for purposes of sale:

(*e*) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered, or intended to be offered, for sale for human consumption, any purveyor of milk and any occupier of a dairy:

(*f*) "Executive Engineer" means the Public or Military Works officer of that grade having charge of the military works in the cantonment, and includes the officer, of whatever grade, in immediate executive engineering charge of a cantonment:

(*g*) "General Officer of the Command" means the General Officer Commanding the Forces in the Command:

(*h*) "infectious or contagious disorder" includes cholera, leprosy, enteric fever and every infectious or contagious disorder other than a venereal disease:

(*i*) "keeper of a sarai" includes the owner of a sarai, any person having the care or management of a sarai and the lessee of any land, whether belonging to the Government or not, occupied by a sarai:

(*j*) "lessee" means a person who has been granted permission, whether before or after the commencement of this Code, to occupy, for the purposes of a building-site, land belonging to the Government in a cantonment, and includes the successors in interest of a lessee:

(*k*) "licensed market" means a private market licensed by the cantonment authority:

(*l*) "licensed slaughter-house" means a private slaughter-house licensed by the cantonment authority:

(*m*) "market" means a place in a cantonment where persons periodically assemble for purposes of selling meat, fish, fruit, vegetables, milk or any other perishable articles of food for human consumption:

(*n*) "notification" means a notification in the local official Gazette:

(*o*) "notified" means published by notification:

(*p*) "private market" means a market not maintained by the cantonment authority:

(*q*) "private slaughter-house" means a slaughter-house not maintained by the cantonment authority:

(*r*) "public market" means a market maintained by the cantonment authority:

(*s*) "public slaughter-house" means a slaughter-house maintained by the cantonment authority:

(*t*) "regimental bazar" means a bazar under the management of regimental authorities:

(*u*) "Sanitary Officer" means, where no Sanitary Officer has been specially appointed, the senior executive Medical Officer in military employ on duty in a cantonment:

(*v*) "sarai" means a building in a cantonment ordinarily used, whether wholly or in part, for the accommodation of native travellers and not maintained by the cantonment authority:

(*w*) "slaughter-house" means a place in a cantonment ordinarily used for the slaughter of animals for the purpose of selling the flesh for human consumption:

(*x*) "source of public water-supply" includes every public well, tank, river, stream, spring, channel, reservoir or other source in a cantonment from which water is or may be made available for public use, whether or not it is used for the purposes of water-works, and also every source of water-supply situate on private premises to the use of which the public is entitled:

(*y*) "street" includes any way, road, lane, square, court, alley, passage or open space in a cantonment, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way, and also the roadway and footway over any bridge or causeway: and

(*3*) "treasury" means the Government treasury or sub-treasury, or the bank or place prescribed by or under section 22 of the Cantonments Act, 1889, for the custody of the cantonment fund of a cantonment.

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(*2*) Where any question arises as to whether a building is or is not a sarai, or a place is or is not a slaughter-house, it shall be decided by the cantonment authority; and the decision of the cantonment authority thereon shall be final and conclusive.

CHAPTER II.

CANTONMENT COMMITTEES AND CONTROL.

Constitution.

Ordinary members of cantonment committee.

3. (*1*) In every cantonment with respect to which the Local Government has determined that a cantonment committee is to be constituted, the cantonment committee shall ordinarily consist of the following members, namely:

(*a*) the Commanding Officer of the cantonment or, where he is the Officer Commanding the District, the officer who would succeed to the command of the cantonment during his temporary absence;

(*b*) any Magistrate of the first class, being also a Justice of the Peace, appointed by the District Magistrate to represent him;

(*c*) such Commanding Officers in the cantonment as may be appointed in Station Orders to be members;

(*d*) the Cantonment Magistrate;

(*e*) the Sanitary Officer;

(*f*) the Executive Engineer; and

(*g*) the District Superintendent of Police.

(*2*) The Commanding Officer of the cantonment or, where he is the Officer Commanding the District, the officer who would succeed to the command of the cantonment during his temporary absence, shall be the President, and the Cantonment Magistrate shall be the Secretary, of the committee.

(*3*) If the President is absent from any meeting, the next senior combatant officer present shall preside on that occasion.

Additional members of cantonment committee.

4. The General Officer of the Command may, by order in writing, appoint any residents of the cantonment, whether officials or non-officials, to be additional members of the cantonment committee for such period as may be stated in the order.

Cantonment committee (if any) to discharge functions of cantonment authority.

5. The cantonment committee (if any) shall discharge the functions of the cantonment authority under this Code.

Provision where there is no cantonment committee.

6. (*1*) The Governor General in Council, after consultation with the Local Government and the General Officer of the Command, may, by notification, direct, in respect of any cantonment in which a cantonment committee has not been constituted or has ceased to exist or cannot be convened, that any of the functions of the cantonment authority under this Code—

(*a*) shall be in abeyance; or

(*b*) shall, with such modifications as may be prescribed in the notification, be discharged by the Commanding Officer of the cantonment.

(*2*) Subject to any notification for the time being in force under sub-section (*1*), the Commanding Officer of any such cantonment as aforesaid may discharge any of the functions of the cantonment authority under this Code.

Meetings of Cantonment Committee.

Time and place of meetings, and notice of business.

7. (*1*) The cantonment committee (if any) shall meet for the transaction of business once at least in every month, and at such other times as the President may direct.

(*2*) The time and place of each meeting shall be announced in Station Orders, and shall be communicated to each member by a notice in writing issued by the Secretary.

(*3*) Every notice issued under sub-section (*2*) shall,—

(*a*) unless the President in any case otherwise directs, be issued so as to reach each member three clear days before the meeting takes place; and

(*b*) be accompanied by an agenda paper specifying the business to be transacted at the meeting.

(*4*) The President may permit the consideration of any business not specified in the agenda paper as aforesaid, unless a majority of the members require its postponement to a later meeting.

(*5*) The President may, by order in writing, adjourn any meeting to any date to be fixed by the order.

Six days' notice required in certain cases.

8. No business relating to the imposition, abolition or modification of any tax shall be transacted at a meeting unless at least six clear days' notice in writing of the date fixed therefor has been given.

Quorum.

9. No business shall be transact at a meeting unless there are present, in addition to the President,—

(*a*) three members of the committee, or

(*b*) half the total number of members,

whichever number is the greater.

10. (*1*) Minutes of the proceedings at each meeting shall be recorded in a book, shall be signed by the President, and shall, at such times and in such place as shall be fixed by the cantonment committee, be open, free of charge, to the inspection of any inhabitant of the cantonment.

Minutes of proceedings to be kept.

(*2*) A copy of the minutes shall, as soon as possible after each meeting, be forwarded for the information of the District Magistrate.

11. Every meeting shall be open to the public, unless in any case the President, for reasons to be recorded in the minutes, otherwise directs.

Meetings to be public.

12. (*1*) All questions coming before a meeting shall be decided by a majority of the votes of the members present and voting.

Decision by majority of votes.

(*2*) In the case of an equality of votes, the President shall have a second or casting vote.

(*3*) The dissent of any member from any decision of the cantonment committee, with an abstract of the grounds therefor, shall, if the member so requests, be entered by the Secretary in the minutes.

Control.

13. (*1*) If the President dissents from any decision of the cantonment committee, he may, for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month; and, if he does so, he shall forthwith refer the matter to the Officer Commanding the District.

Power of President and District Magistrate to suspend action pending reference to higher authority.

(*2*) If the District Magistrate considers any decision of the cantonment committee to be prejudicial to the public health, safety or convenience, he may, whether on a report made by the Magistrate representing him on the cantonment committee or otherwise, after giving notice in writing of his intention to the President, refer the matter to the Local Government through the Commissioner (if any) of the Division; and the President shall, on receipt of such notice, direct the suspension of action on the decision pending the disposal of the reference to the Local Government, and shall forthwith report the matter to the General Officer of the Command through the Officer Commanding the District.

(*3*) If the Magistrate appointed to represent the District Magistrate on the cantonment committee is present at a meeting and dissents from any decision which he considers prejudicial to the public health, safety or convenience, he may, for reasons to be recorded in the minutes and after giving notice in writing of his intention to the President, report the matter to the District Magistrate; and the President shall, on receipt of such notice, direct the suspension of action on the decision for a period sufficient to admit of the District Magistrate being communicated with and taking proceedings as provided by sub-section (*2*)

14. (*1*) The Officer Commanding the District may, by order in writing,—

Controlling powers of Officer Commanding the District.

(*a*) call for any book or document in the possession or under the control of the cantonment authority;

(*b*) require the cantonment authority to furnish such statements, accounts, reports and copies of documents relating to its proceedings or duties as he may think fit;

(*c*) require the cantonment authority to furnish plans and estimates for all works to be constructed out of the cantonment fund at a cost exceeding five hundred rupees, and to conform to such directions as he may think fit to give with respect to the superintending authority by whom such works shall be approved; and

(*d*) direct that any matter or any specific proposal, other than one which has been referred to the Local Government under section 13, sub-section (*2*), be brought before the cantonment committee.

(*2*) The Officer Commanding the District may, by a like order,—

(*e*) direct the suspension, for such period as may be stated in the order, of action on any decision of the cantonment committee which has not been referred to him under section 13, sub-section (*1*); or

(*f*) when any decision of the cantonment committee has been referred to him under section 13, sub-section (*1*), either—

(i) cancel the order given by the President directing the suspension of action, or

(ii) extend its duration for such period as may be stated in his order, or

(iii) declare the modifications with which the decision may be carried into effect by the cantonment committee.

(*3*) When the Officer Commanding the District directs the suspension of action on any decision of the cantonment committee, or extends the duration of any order of suspension, he shall forthwith refer the matter to the General Officer of the Command.

15. The General Officer of the Command may, by order in writing,—

Controlling powers of General Officer of the Command.

(*a*) exercise any of the powers conferred by section 14, sub-section (*1*), on the Officer Commanding the District;

(*b*) direct the suspension, for such period as may be stated in the order, of action on any decision of the cantonment committee which has not been reported to him under section 13, sub-section (*2*), or referred to him under section 14, sub-section (*3*); or

(*c*) when any decision of the cantonment committee has been referred to him

under section 14, sub-section (*3*), either—

(i) cancel the order given by the President or the Officer Commanding the District, as the case may be, directing the suspension of action, or

(ii) extend the duration of the order for such period as may be stated in his order, or

(iii) declare the modifications with which the decision may be carried into effect by the cantonment committee.

Controlling powers of Local Government.

16. When any decision of the cantonment committee has been referred to the Local Government under section 13, sub-section (*3*), the Local Government shall consult the General Officer of the Command and may then, by order in writing, either—

(*a*) cancel the order given by the President directing the suspension of action; or

(*b*) extend its duration for such period as may be stated in its order; or

(*c*) direct that no action be taken on the decision; or

(*d*) declare the modifications with which the decision may be carried into effect by the cantonment committee.

CHAPTER III.

THE CANTONMENT MAGISTRATE AND CANTONMENT SERVANTS.

Cantonment Magistrate.

Position and general duties of Cantonment Magistrate.

17. (*1*) The Cantonment Magistrate shall be the executive officer of the cantonment authority, and all orders of the cantonment authority shall be issued through him.

(*2*) The Cantonment Magistrate shall see that all orders of the cantonment authority are duly obeyed.

(*3*) The Cantonment Magistrate shall, as far as practicable, keep a record of every final order issued by him in his official capacity.

Cantonment Servants.

Number and salaries of servants of cantonment authority.

18. (*1*) With the previous sanction of the General Officer of the Command and subject to the provisions of sections 30 and 33 and to the control over the cantonment fund which is vested in the Local Government by section 23 of the Cantonments Act, 1889, the cantonment authority shall fix the number and salaries of the servants to be employed by it.

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(*2*) Every alteration in the number of such servants or in their salaries shall be subject to the sanction and control aforesaid:

Provided that temporary servants may, in cases of emergency and if funds are available, be employed without such sanction for any period not exceeding three months.

Explanation.—Nothing in this section shall be deemed to apply to the police employed in a cantonment beyond the limits of a Presidency-town, or to affect the provisions relating to the employment and constitution of the police-force of—

(*a*) the Cantonments Act, 1889, section 12; XIII of 1889.

(*b*) Act XXIV of 1859, section 8;

(*c*) the Police Act, 1861, section 2; V of 1861.

(*d*) the Bombay District Police Act, 1867, section 3; Bo. Act VII of 1867.

(*e*) Bengal Act VII of 1869;

(*f*) the Police Act, 1888; and III of 1888.

(*g*) the Bombay District Police Act, 1890, section 4. Bo. Act IV of 1890.

Register of menial servants of cantonment authority.

19. The Cantonment Magistrate shall maintain such public register of menial servants employed by the cantonment authority as may be instituted by that authority.

Appointment and supervision of servants of cantonment authority.

20. The Cantonment Magistrate shall—

(*a*) appoint all servants required by the cantonment authority;

(*b*) apportion, control and superintend the performance of the duties of all such servants;

(*c*) disburse the salaries of all such servants; and

(*d*) deal with applications from such servants for leave of absence:

Provided that no person shall be appointed under this section who has been dismissed for misconduct from employment under any other cantonment or local authority, or any Department of the Government.

Punishment of servants of cantonment authority.

21. The Cantonment Magistrate may, for reasons to be recorded by him in writing, fine, suspend, dismiss or reduce to a lower grade or salary any servant of the cantonment authority:

Provided, first, that no fine so imposed shall exceed one week's salary of the servant fined:

Provided, secondly, that the Cantonment Magistrate shall submit to the cantonment authority a monthly list of all such fines, suspensions, dismissals and reductions: and

Provided, thirdly, that the Cantonment Magistrate shall not dismiss any servant whose salary is not less than twenty-five rupees a month, without obtaining the previous sanction of the cantonment authority.

Penalty for obstructing in their duty persons employed by, or contracting with, the cantonment authority.

22. Whoever obstructs or molests any person employed by the cantonment authority (not being a public servant within the meaning of section 21 of the Indian Penal Code), or any person with whom the cantonment authority may have lawfully contracted, in the performance and execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Code, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees. XLV of 1860.

23. (*1*) In the absence of a written contract to the contrary, every sweeper employed by the cantonment authority shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Notice of discharge or resignation.

(*2*) Whoever, being a sweeper employed by the cantonment authority, in the absence of a written contract authorizing him so to do and without reasonable cause, resigns his employment or absents himself from his duties without giving one month's notice to the cantonment authority, or neglects or refuses to perform his duties or any of them, shall be punishable with imprisonment for a term which may extend to two months.

(*3*) The Local Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of this section with respect to sweepers shall apply also to any specified class of servants employed by the cantonment authority whose functions intimately concern the public health or safety.

24. (*1*) The Cantonment Magistrate shall require every servant of the cantonment authority who is entrusted with the receipt, custody or control of moneys or securities for money, to furnish security for the due discharge of his office to such amount as the cantonment authority may determine.

Security to be furnished by certain servants of cantonment authority.

(*2*) No security shall be accepted other than a deposit of—

(*a*) cash, or

(*b*) Government securities, or

(*c*) shares in the Bank of Bengal, the Bank of Madras or the Bank of Bombay, or

(*d*) debentures or other securities for money issued by or on behalf of a local authority.

25. On or about the first day of January in each year the Cantonment Magistrate shall submit to the cantonment authority a report as to the sufficiency of the security furnished by or on behalf of its servants.

Annual report as to sufficiency of security furnished.

26. The Cantonment Magistrate shall deal in the manner prescribed in the Civil Account Code with all moneys and securities deposited as security by or on behalf of servants of the cantonment authority or persons who have entered into contracts with the cantonment authority:

Procedure in dealing with moneys and securities deposited.

Provided that no such moneys or securities as aforesaid shall be delivered up,—

(*a*) if deposited by or on behalf of a servant of the cantonment authority, until after the lapse of such time after the death of, or the vacation of his office by, such servant as the cantonment authority may direct; or,

(*b*) if deposited by or on behalf of a contractor, then, in the absence of any condition in the contract to the contrary, until after the lapse of such time after the completion of the contract to the satisfaction of the cantonment authority as that authority may direct.

CHAPTER IV.

CANTONMENT FUND.

Credits to Fund.

27. There shall be placed to the credit of the cantonment fund the following sums, namely:

Sums to be credited to cantonment fund.

(*a*) all sums directed by section 21, sub-section (*1*), of the Cantonments Act, 1889, or by or under any other enactment for the time being in force, to be placed to the credit of that fund: and XIII of 1889.

(*b*) all grants-in-aid and other sums received by the cantonment authority in aid of that fund.

28. (*1*) The Secretary to the Government of India in the Military Department shall, from time to time, intimate to the General Officer of the Command the annual sum (if any) which will from time to time be placed at his disposal by the Government of India as a grant-in-aid to the cantonment funds in his Command.

Grants-in-aid.

(*2*) The General Officer of the Command shall distribute the said sum among the said cantonment funds in such proportions as he may think fit.

Application of Fund.

29. (*1*) The cantonment fund may be applied to the following purposes within the cantonment, namely:

Purposes to which cantonment fund may be applied.

(*a*) the payment of any expenses directed by or under any enactment for the time being in force to be debited to the fund;

(*b*) the maintenance of the police-force employed in the cantonment, including charges of every description required for the efficient discharge of the duties of that force therein;

(*c*) the provision and maintenance of an office for the cantonment authority;

(*d*) the payment of the salaries of the cantonment establishment;

(*e*) the survey of buildings and lands;

(*f*) the management and improvement of lands and other property placed by the Government under the management of the cantonment authority, including—

(i) the construction and maintenance of streets (other than those maintained from Imperial or Provincial funds),

(ii) the lighting, watering and cleansing of streets, and

(iii) the maintenance of public parks and gardens and the planting and tending of trees;

(*g*) the provision and maintenance, or the aiding, of hospitals, dispensaries and schools;

(*h*) the provision and maintenance of public markets and slaughter-houses;

(*j*) the carrying out of a proper system of conservancy throughout the cantonment for all its inhabitants other than classes of troops for whom conservancy is provided from public revenues other than the cantonment fund, including—

(i) the pay of the public conservancy establishment,

(ii) the construction of public latrines and other conservancy works, and

(iii) the purchase of all necessary conservancy carts, utensils and other appliances;

(*k*) the carrying out of a proper system of water-supply and drainage and of other sanitary measures, including public vaccination and the prevention of the spread of infectious or contagious disorders, and generally the maintenance of the cantonment in a thoroughly sanitary condition;

(*l*) the burial, burning or other lawful disposal of the corpses of paupers and unknown persons;

(*m*) the abatement of nuisances;

(*n*) the taking of a census; and

(*o*) generally the payment of all expenses incurred under this Code or any other rule or law for the time being in force.

(*2*) The cantonment fund may, with the general or special sanction of the Local Government, be applied to any of the purposes referred to in sub-section (*1*), within or without British India, beyond the limits of the cantonment, in cases in which, in the opinion of the Local Government, the application of the fund beyond those limits is for the benefit of the inhabitants of the cantonment or of any military force or detachment ordinarily quartered therein.

Estimates and Sanctions.

Money not to be paid unless expenditure sanctioned.

30. No money shall be paid from the cantonment fund unless the expenditure is either—

(*a*) provided for in the sanctioned budget estimate, or by re-appropriation under section 33, or

(*b*) sanctioned by the Local Government after consultation with the General Officer of the Command, and

(*c*) in the case of expenditure on Public Works, unless detailed estimates have been prepared and sanctioned.

Responsibility for administering funds.

31. The cantonment authority shall, under the direction of the General Officer of the Command, be responsible for administering the funds provided in the sanctioned budget estimate or sanctioned under section 30, clause (*b*).

Submission and sanctioning of budget estimates.

32. (*1*) On the first day of June in each year, or on such other date as the General Officer of the Command may direct, the cantonment authority shall submit to the Officer Commanding the District a budget estimate of the receipts (including any grant-in-aid) into, and expenditure from, the cantonment fund for the ensuing financial year.

(*2*) The budget estimate shall be framed in accordance with Form 8 in Schedule I, or in such other form as may from time to time be prescribed by the Comptroller General with the previous sanction of the Governor General in Council.

(*3*) The Officer Commanding the District may revise the budget estimate, and shall submit it to the General Officer of the Command.

(*4*) The General Officer of the Command may further revise the budget estimate, and shall submit it to the Local Government through the Accountant General by the twentieth day of November in each year.

(*5*) The Local Government may sanction the budget estimate, with or without modification.

(*6*) The sanction of the Local Government to the budget estimate shall be communicated by it to—

(*a*) the Accountant General, and

(*b*) the General Officer of the Command for intimation to the Officer Commanding the District and the cantonment authority.

Re-appropriation.

33. (*1*) The cantonment authority may,—

(*a*) with the previous sanction of the General Officer of the Command, re-appropriate any sum from one major head of the budget estimate to another; or,

(*b*) with the previous sanction of the Officer Commanding the District, re-appropriate any sum from one minor head or sub-head of the budget estimate to another minor head or sub-head under the same major head:

Provided that no allotment to any major head shall, by re-appropriation, be varied by more than ten per cent. of its original amount, except with the previous sanction of the Local Government also.

(*2*) A copy of every order made under sub-section (*1*) shall be sent by the General Officer of the Command or the Officer Commanding the District, as the case may be, to the Accountant General.

Payments.

Examination of, and order for payment of, claims.

34. (*1*) Every claim for payment from the cantonment fund shall be supported by a voucher, duly receipted and (if necessary) stamped, and shall be presented—

(*a*) to the President of the cantonment committee; or,

(*b*) if so directed by the General Officer of the Command, to the Secretary to the cantonment committee; or,

(c) where there is no cantonment committee, to the Commanding Officer of the cantonment.

(2) The President, Secretary or Commanding Officer, as the case may be, shall check and examine every claim presented under sub-section (1), and, if it is found correct and is supported by a voucher as aforesaid, shall sign an order for the payment thereof.

(3) If payment is to be made from the imprest, the order for payment shall be "Pay in cash rupees (in words)", and, if payment is to be made by cheque, the order shall be "Pay by cheque No. , dated , rupees (in words)," the blanks being filled up when the cheque is signed.

Payments how to be made.

35. Payment shall be made,—

(a) if the sum to be paid does not exceed twenty rupees, in cash; and,

(b) if the sum to be paid exceeds twenty rupees, by cheque.

Cheques.

36. (1) Money may be drawn from the cantonment fund only by means of a cheque written in Form 4 in Schedule I.

(2) Every cheque shall be signed as follows:

(a) where there is a cantonment committee,—

(i) if the sum to be paid does not exceed one hundred rupees, by the Secretary; or,

(ii) if the sum to be paid exceeds one hundred rupees, by the President:

(b) where there is no cantonment committee, by the Commanding Officer of the cantonment.

(3) Cheques drawn in favour of a Government officer shall be made payable to order, and cheques drawn in favour of any other person shall be made payable to bearer.

(4) All cheque forms shall be bound in books with counterfoils.

(5) Every cheque book shall bear a number and each officer authorized by sub-section (2) to sign cheques shall notify to the treasury the number of the cheque book which he from time to time brings into use.

(6) On each cheque form there shall be entered the number of the cheque book in which the form is contained, and a consecutive number.

(7) There shall be noted on the outside of each cheque book an order for its personal custody under lock and key by the officer who is authorized to use the book for the purpose of signing cheques; and, when such officer is relieved, he shall take a receipt for the number of cheque forms made over to the relieving officer and shall send to the treasury a specimen of the signature of the relieving officer.

(8) No cheque shall be current for more than three months from the date on which it was drawn. After the expiration of that period payment will be refused at the treasury, and it shall be necessary for the person in whose favour the cheque was drawn, to return it. In the event of a cheque being so returned, no fresh cheque will be issued, but the lapsed cheque shall be re-dated, and the alteration initialled, by the officer whose duty it would be, under sub-section (2), to sign the cheque, a note of the fact of re-dating being entered in the register of payments against the original transaction.

Imprest.

37. (1) The cantonment authority shall, where it has not already done so, draw from the treasury a sum not exceeding fifty rupees, to form an imprest for the purpose of meeting petty payments.

(2) The amount of petty payments met out of the imprest shall be recouped by cheque on the last day of each month, and, if necessary, during the month also, so that the full amount of the imprest, plus any sum received too late for remittance to the treasury on the last day of the month, shall always be shown in the monthly accounts as being in the hands of the cantonment authority.

Overdrafts.

38. Overdrafts on the cantonment fund shall be allowed only if sanctioned by the General Officer of the Command and also by the Local Government.

Receipts.

Register of receipts and form of acknowledgment.

39. (1) All moneys received for credit to the cantonment fund shall be entered in a register of receipts, to be kept in Form 1 in Schedule I, and, with the exception of grants-in-aid and fines, shall be acknowledged by receipts in Form 2 in the said schedule.

(2) All receipts granted by way of acknowledgment under sub-section (1) shall bear printed numbers in a consecutive series, and the number of every receipt so granted shall be entered in the second column of the register of receipts.

Responsibility of cantonment authority as to receipts.

40. The cantonment authority shall be responsible for making such arrangements as will secure—

(a) that all moneys received for credit to the cantonment fund are duly brought to credit in the accounts;

(b) that all moneys so received, with the exception of grants-in-aid and fines, are duly acknowledged by receipts in the form prescribed by section 39; and

(c) that, whenever a receipt is given, the foil and counterfoil are duly filled up.

Account of the Imprest.

Imprest register.

41. An account of the imprest shall be kept in an imprest register in Form 6 in Schedule I, and the expenditure recorded in it shall be entered in a register of payments, to be kept in Form 5 in the said schedule, when a bill for the recoupment of the amount is made out and the amount is drawn from the treasury by cheque.

Bills for Expenditure.

42. (*1*) Every item of expenditure shall be entered in a bill of one of the following kinds, namely:

Expenditure to be entered in bill.

(*a*) an establishment pay bill—for the pay of members of the cantonment establishment;

(*b*) a travelling allowance bill—for the travelling allowances of members of the cantonment establishment; or

(*c*) a contingent bill—for all charges other than the pay and travelling allowances of members of the cantonment establishment.

(*2*) Every establishment pay bill and every travelling allowance bill shall be prepared in the form for the time being prescribed by the Civil Account Code.

(*3*) Every contingent bill shall contain full details of the charges incurred.

43. (*1*) Claims for supplies or services by contractors or tradesmen shall be paid on bills presented by them.

Claims by contractors or tradesmen.

(*2*) Where any such claim as aforesaid is paid by cheque, the payment shall be at once entered in the register of payments, and, where it is paid in cash, the payment shall be entered in the imprest register.

(*3*) Where a contractor or tradesman presents his bill in the vernacular, a brief abstract shall be indorsed thereon in English, stating the amount, the name of the payee and the nature of payment in the terms prescribed by Article 9 (*b*) of the Civil Account Code.

44. (*1*) All petty charges to be met from the imprest shall be entered in bills prepared in the form for the time prescribed by the Civil Account Code.

Petty charges to be met from the imprest.

(*2*) Such bills as aforesaid shall be supported,—

(*a*) in the case of a payment for a telegram or of any other sum exceeding ten rupees, by the original voucher on which the payment was actually made; and,

(*b*) in other cases, by a certificate that the receipts of the payees have, as far as possible, been obtained, and have been so destroyed, defaced or mutilated that they cannot be used again.

(*3*) The certificate referred to in clause (*b*) of sub-section (*2*) shall be signed by the Secretary to the cantonment committee, or, if there is no cantonment committee, by the Commanding Officer of the cantonment.

45. (*1*) All charges incurred direct by the cantonment authority and paid by cheque shall be entered in bills prepared in the form for the time prescribed by the Civil Account Code.

Charges incurred direct by cantonment authority.

(*2*) The following certificate shall be recorded at the foot of every such bill and signed by the Secretary to the cantonment committee or, if there is no cantonment committee, by the Commanding Officer of the cantonment, namely:—

"I certify that the expenditure charged in this bill could not, with due regard to the interests of the cantonment, be avoided. I have satisfied myself that the charges entered in this bill have really been paid."

(*3*) In the case of expenditure on Public Works, the usual completion certificate shall be furnished.

Entry of Cheques in Accounts.

46. All payments made by cheque shall be entered in the register of payments, the vouchers being numbered in a monthly consecutive series.

Entry of payments by cheque.

47. Where a cheque is cancelled, the amount thereof shall be deducted from the expenditure by a minus entry in the appropriate column of the register of payments. The deduction shall then pass into the cash book through the daily total of payments carried into it.

Deduction of amount of cancelled cheques.

Accounts and Returns.

48. The cantonment authority shall keep a cash book in Form 7 in Schedule I. The cash book shall be balanced monthly, and the balance shown in it reconciled with that shown in the pass book, to be kept in Form 3 in the said schedule, as follows:—

Cash book.

Balance as per pass book ... ...

Add—

Amount of imprest ... ...

Money received too late for remittance to treasury ... ...

Total ...

Deduct—Outstanding cheques, as per details below:—

Balance as per cash book... ...

Cheques outstanding on—

No.	Date.	Amount.
"	"	"
	Total	...

49. (*1*) In the registers of receipts and payments the amounts sanctioned in the budget estimate for the year shall be entered at the top of the columns for the heads for which separate estimates are made.

Entry of budget estimate in registers of receipts and payments.

(*2*) Where, during the year or in any revised estimate which may be sanctioned for the year, any addition to or alteration in the budget estimate is made, such addition or alteration shall be noted in the appropriate register in red ink, with a plus or minus sign, the order therefor being cited.

50. (*1*) At the end of each month the figures in the registers of receipts and payments shall be added up, the totals up to the end of the last preceding month being added to those of the month just expired and grand totals being made from the first day of April last preceding.

Totals of receipts and payments to be ascertained monthly.

(*2*) Where the grand total under any head in the register of payments shows that the budget grant is likely to be exceeded, application shall at once be made for orders under section 30, clause (*b*), or section 33, as the circumstances may require, to cover the excess.

51. As soon as possible within ten days after the end of each month, the cantonment authority shall send to the Accountant General, for purposes of audit,—

Documents to be sent to Accountant General.

(*a*) extracts from the registers of receipts and payments for the month, prepared in the same detail as those registers and showing the budget estimate, each receipt and payment, the monthly totals, the totals to the end of the last preceding month and the grand totals;

(*b*) the foils of all receipts granted during the month;

(*c*) all paid bills;

(*d*) any cancelled cheques; and

(*e*) a statement of the balances, in the following form:—

Balance at the end of last month	...
Receipts during the month, as per details below	...
Total	...
Expenditure during the month, as per accompanying schedule ...	...

BALANCE AT THE END OF THE MONTH.

Details of balance—

Balance in treasury, as per pass book	...
Cash received too late for remittance to treasury ...	...
Imprest in hands of cantonment authority	...
Deduct—Outstanding cheques, as per details below:	
Net balance as above ...	...

Cheques outstanding on—

No.	Date.	Amount.
"	"	"
	TOTAL	...

52. (*1*) The cantonment authority shall prepare annually a consolidated account showing the receipts into, and payments from, the cantonment fund, classified under the major heads, minor heads and sub-heads contained in the monthly accounts

Annual consolidated account.

(*2*) The total of the details under each head of receipts and payments, as given in the consolidated account, shall agree exactly with the figures appearing against the entry "From 1st April to date" under the same heads in the extracts forwarded to the Accountant General for the month of March last preceding.

(*3*) The consolidated account shall be forwarded to the Accountant General, who will compare the figures with his own classified abstract and, if correct, forward the account to the General Officer of the Command with the following indorsement, namely:

"Examined and found correct.

Signed——————, Accountant General."

Classification.

53. (*1*) All receipts into, and expenditure from, the cantonment fund shall be classified, in the monthly and annual accounts, in accordance with Form 8 in Schedule I.

Classification of receipts and expenditure.

(*2*) All expenditure shall be classified in the monthly accounts under the appropriate major heads, minor heads and sub-heads with reference to the nature of the charge, whether specific budget provision exists or not; and no expenditure, which from its nature properly falls under one of the other prescribed heads, shall be classified under the head "Miscellaneous" on the ground that there is no specific budget provision for the charge.

Explanation.—Every permanent advance to a cantonment fund receiving a grant-in-aid under section 28 shall be held outstanding in the military accounts until the fund becomes self-supporting, and the advance shall then merely be shown as a balance in the hands of the cantonment authority.

Remittance to Treasury and Pass Book.

54. The cantonment authority shall remit to the treasury all moneys received for credit to the cantonment fund.

All moneys to be remitted to treasury.

55. (*1*) Remittances to the treasury may be made either daily or weekly, as may be most convenient:

Procedure for remittances to treasury.

Provided that all moneys in hand on the last working day of each month shall be remitted on that day.

(*2*) Every remittance shall be accompanied by a chalan or invoice and by the pass-book.

(*3*) Where a remittance is made, the officer in charge of the treasury shall forthwith acknowledge its receipt by an entry in the pass-book, and shall enter on the charge side of the pass-book particulars of cheques paid up to date as recorded in his register.

(*4*) The pass-book shall be sent to the treasury on the last working day of each month, whether or not there are any moneys to be remitted to the treasury on that day. The officer in charge of the treasury shall then close the pass-book for the month, and enter

therein in words the balance in hand, signing the entry.

56. (1) The cantonment authority shall from time to time examine the pass-book and shall forthwith call the attention of the officer in charge of the treasury to any discrepancy appearing between the credits or debits shown therein and those shown in its registers.

Supervision of pass-book by cantonment authority.

(2) The pass-book shall be written up only by the officer in charge of the treasury or by some member of his establishment, and no entries or marks shall be made therein by the cantonment authority or by any member of the cantonment establishment.

Abstract Statement of Estimated Income and Expenditure.

57. The General Officer of the Command shall, on receiving the sanction of the Local Government to the budget estimate for the several cantonment funds in his Command, forward to the Government of India in the Military Department, to the Commander-in-Chief in India and to the Local Government for information, an abstract statement of the estimated income of, and expenditure from, all such funds.

Abstract statement of estimated income and expenditure.

Submission of proposals as to taxation.

58. All proposals made by the cantonment authority for the imposition, abolition or modification of any tax shall be submitted to the General Officer of the Command for transmission to the Local Government.

Submission of proposals as to taxation.

CHAPTER V.

CONTRACTS.

59. Every contract made by the cantonment authority shall be executed on its behalf by the officer authorized by the Governor General in Council so to execute it under section 2 of the East India Contracts Act, 1870.

Contracts by whom to be executed.

33 & 34 Vict., c. 59.

60. No lease or other contract, which is to remain in operation for more than twelve months, shall be executed on behalf of the cantonment authority without the previous sanction of the General Officer of the Command:

Sanction required to execution of contract to remain in operation for more than twelve months.

Provided that, where any such lease as aforesaid is a lease of land, the sanction of the General Officer of the Command shall not be given without the concurrence of the Local Government.

61. No contract for the execution of a work shall be executed on behalf of the cantonment authority unless it has been examined and approved of by the Executive Engineer:

Reference to Executive Engineer prior to execution of contracts for works.

Provided that, where a work is estimated to cost not more than five hundred rupees, the contract shall not be referred to the Executive Engineer unless the cantonment authority so directs.

62. The officer authorized as provided by section 59 shall not execute on behalf of the cantonment authority any contract the value or amount of which exceeds one hundred rupees, without the previous sanction of—

Sanction of cantonment committee or Officer Commanding cantonment required to execution of contracts exceeding one hundred rupees in value.

(a) the cantonment committee; or,

(b) where a cantonment committee has not been constituted or has ceased to exist or cannot be convened, the Commanding Officer of the cantonment:

Provided that, in case of urgency where there is a cantonment committee, the officer authorized as aforesaid may, with the previous sanction of the President of the cantonment committee, execute on behalf of the cantonment committee any contract the value or amount of which exceeds one hundred rupees but does not exceed two hundred rupees, and shall, in every such case, submit to the cantonment committee, at its next meeting, a report of his action and of the reasons therefor.

63. Every contract executed on behalf of the cantonment authority the value or amount of which exceeds fifty rupees, except a contract for the sale of moveable property, shall be in writing; and, if the contract is for the execution of a work, it shall be prepared in the form in use for that purpose in the Public Works Department under the orders of the Local Government.

Form of contracts exceeding fifty rupees in value.

64. (1) The cantonment authority may direct that security be required for the fulfilment of any contract to be executed on its behalf, other than a contract for the execution of a work, and that the whole or any part of the security be deposited before the contract is executed.

Security for fulfilment of contract.

(2) Where any security is required under sub-section (1), it shall be of the nature specified in section 24, sub-section (2), and shall be of such amount as the cantonment authority may think fit.

(3) Where any security required as aforesaid has been given, the contract shall not be executed unless—

(a) it contains a clause specifying the nature and the amount of the security required; and

(b) any sum directed to be deposited has been lodged with the cantonment authority.

65. Nothing in this Chapter shall apply to any lease of land for the purposes of a building-site.

Saving of leases for building-sites.

CHAPTER VI.

NUISANCES AND SANITATION.

Nuisances.

Offences in road or public place.

66. Whoever,—

(a) in any street or public place within the cantonment,—

(i) is drunk and disorderly, or drunk and incapable of taking care of himself; or

(ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner, with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned ; or

(iii) eases himself, or wilfully and indecently exposes his person ; or

(iv) begs importunately for alms ; or

(v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound ; or

(vi) carries meat exposed to public view ; or

(vii) is found gaming ; or

(viii) pickets animals or collects carts ; or,

(ix) being engaged in the removal of night-soil or other offensive matter or rubbish, neglects to sweep away or otherwise effectually remove any portion thereof that may spill or fall on to such street or public place ; or,

(x) without proper authority, affixes or causes to be affixed any bill, notice or other document upon any building, monument, post, wall, fence, tree or other thing ; or,

(xi) without proper authority, defaces, or writes upon, or otherwise marks, any building, monument, post, wall, fence, tree or other thing ; or,

(xii) without proper authority, removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Code ; or,

(xiii) without proper authority, breaks, throws down or damages any direction-post, lamp, lamp-post or other thing maintained by the cantonment authority in such street or public place ; or

(xiv) carries a corpse, or causes the same to be carried, without keeping it decently covered, or without taking due precaution to prevent risk of infection or injury to the public health, or annoyance to passers-by or to persons dwelling in the neighbourhood ; or

(*b*) carries a corpse along a route prohibited by the cantonment authority by public notice ; or

(*c*) deposits, or permits his servant to deposit, any offensive matter or rubbish in any place not intended for the purpose on any street or public place, or waste or unoccupied land under the management of the cantonment authority ; or,

(*d*) having charge of a corpse, fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death ; or

(*e*) makes any grave, or buries or burns any corpse, at an unauthorized place ; or

(*f*) having entered or used a public conveyance under the circumstances or for any of the purposes mentioned respectively in section 184, fails to disinfect the same to the satisfaction of the cantonment authority ; or

(*g*) keeps or uses, or knowingly permits to be kept or used, any place as a common gaming-house, or assists in conducting the business of any common gaming-house ; or

(*h*) wilfully intrudes upon a place set apart for bathing purposes and incommodes persons lawfully using the same ; or,

(*i*) at any time or place prohibited by the cantonment authority by general or special notice, beats a drum or tom-tom, blows a horn or trumpet, or beats or sounds any brass or other instrument or utensil, or plays any music ; or,

(*j*) by singing, screaming or shouting, disturbs the public peace or order ; or

(*k*) fires a gun, or does any other act, in such manner as to frighten or be likely to frighten animals passing by, or to cause or be likely to cause annoyance or danger to persons passing by or dwelling or working in the neighbourhood ; or

(*l*) lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause, injury, danger, alarm or annoyance to any person ; or

(*m*) suffers any ferocious dog to be at large without a muzzle ; or

(*n*) sets on or urges any dog or other animal to attack, worry or put in fear any person ; or,

(*o*) being the occupier of any building or land in or upon which an animal dies, neglects, within three hours after the death of the animal or, if the death occurs at night, within three hours after sunrise, either—

to report the death to the Cantonment Magistrate or to some officer (if any) appointed by him to receive such reports, with a view to the removal and disposal of the carcass by the public conservancy establishments, or

to remove and dispose of the carcass in accordance with any general directions given by the cantonment authority by notice, or any special directions given by the Cantonment Magistrate on receipt of such report as aforesaid ; or,

(*p*) except with the written permission of the cantonment authority, stores or uses night-soil, manure, rubbish or any other substance emitting an offensive smell ;

shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Destruction of stray dogs at appointed periods.

67. The cantonment authority may, by public notice, appoint from time to time certain periods within which any dogs, without collars or other marks distinguishing them as private property, found straying in the streets or beyond the enclosures of the houses of the owners of such dogs, may be destroyed ; and such dogs may be destroyed,

in accordance with such order, by such person and in such manner as the Cantonment Magistrate may direct.

Explanation.—In this section the word "house" includes a hut, shop, warehouse or building.

Sanitation.

68. The following officers shall, for the purposes of sanitation, have control over, and be responsible for, the sanitary condition of the parts of the cantonment hereinafter indicated, namely:

Division of responsibility for sanitation.

(*a*) each Commanding Officer—his regimental lines, including the regimental bazar and all latrines used by the troops and followers under his command or control:

(*b*) the Executive Engineer—all yards, works, workshops and other places used by establishments under his charge:

(*c*) the Executive Officer of the Commissariat Department—all transport lines, cattle-yards, slaughter-houses, bakeries and other places used by establishments under his charge:

(*d*) the head of any other Military Department occupying, as such, any part of the cantonment—all blocks of buildings, workshops and other places used by establishments under his charge:

(*e*) the Cantonment Magistrate—the Sadr Bazar, all roads, and all other parts of the cantonment not under the control of any officer mentioned in clause (*a*), clause (*b*), clause (*c*) or clause (*d*).

69. (*1*) Every officer mentioned in section 68 shall forward to the cantonment authority a weekly sanitary report, stating that the parts of the cantonment over which he has control as aforesaid, have been inspected by him and are, in his opinion, in a sanitary condition or otherwise, as the case may be.

Weekly sanitary report.

(*2*) Where any such officer as aforesaid reports that any part of the cantonment under his control is not, in his opinion, in a sanitary condition, he shall specify the defects and may make such suggestions for remedying the same as he may think fit.

70. The Sanitary Officer shall exercise a general sanitary supervision over the whole cantonment, shall report every insanitary practice and every insanitary condition of things, whenever or wherever existing therein, both to the officer responsible under section 68 and to the cantonment authority, and shall attach to his report such recommendations for the remedy of the same as he may think fit.

General duties of Sanitary Officer.

71. The Cantonment Magistrate shall, subject to the other provisions of this Code and the control of the cantonment authority,—

Cantonment Magistrate's duties in respect of sanitation.

(*a*) make, and supervise the carrying out of, all arrangements (including the provision and maintenance of a sufficient number of animals, vehicles, receptacles and implements, and of places for keeping the same) necessary for—

(i) the removal of night-soil and other offensive matter and rubbish from latrines, urinals, streets and all other places, public and private, from which the removal of the same by the public conservancy establishments is directed by the cantonment authority;

(ii) the surface cleansing of all streets and the watering thereof; and,

(iii) the maintenance in a sanitary condition of public and private latrines and urinals, of encamping-grounds and sarais, of public and private markets and slaughter-houses, of fair-grounds, of all sources of public water-supply and the lands in the vicinity thereof, of all other places likely to create a nuisance, and, generally, of every part of the cantonment other than the parts mentioned in clauses (*a*) to (*d*) of section 68;

(*b*) make frequent inspections of all parts of the cantonment with a view to ensuring that all orders of the cantonment authority on sanitary matters are duly obeyed, and that the public conservancy establishments satisfactorily perform their duties; and,

(*c*) take all necessary steps for remedying any defects in the sanitary condition of the cantonment of which he may become aware and for which funds can be provided.

72. (*1*) So far as the funds at its disposal permit, the cantonment authority shall provide and maintain a sufficient number of public latrines and urinals, with all necessary conservancy establishments.

Provision and maintenance of public latrines and urinals and conservancy establishments.

(*2*) Such latrines and urinals shall be placed in proper and convenient situations, as near as circumstances admit to the dwelling-places or places of resort of the persons for whose use they are intended:

Provided that, except with the previous sanction of the General Officer of the Command, no latrine or urinal shall be placed within fifty feet, and no trench latrine shall be placed within two hundred feet, of any inhabited building.

(*3*) Separate latrines and urinals shall ordinarily be provided for males and females, or, if any latrine or urinal is provided for the use of both sexes, separate divisions shall be provided for each sex, and each such latrine, urinal or division shall be marked as being for the use of men only, or women only, as the case may be.

73. (*1*) In providing public latrines the cantonment authority shall observe the following directions, namely:

Directions as to provision of public latrines and establishments therefor.

(*a*) such number of latrines shall be provided as will admit of there being one com-

partment for the use of every fifteen adults using the latrines;

(*b*) no latrine shall be constructed for the use of more than five hundred adults;

(*c*) every latrine, other than a trench latrine, shall be provided with proper closed iron receptacles in the proportion of not less than two for every hundred adults using the latrine, and with not less than one iron or glazed earthen pan for each compartment;

(*d*) for every latrine, other than a trench latrine, there shall be provided,—

(i) for the cleansing thereof, sweepers in the proportion of not less than one for every hundred adults using the latrine, and

(ii) for the removal of night-soil therefrom, air tight iron filth-carts in the proportion of not less than one for every five hundred adults using the latrine, or, where carts cannot be used, sweepers in the proportion of not less than three for every five hundred adults using the latrine; and

(*e*) for every trench latrine, there shall be provided digging-sweepers in the proportion of not less than one for every two hundred adults using the latrine:

Provided that, if in any case it is impracticable, owing to want of funds or for any other sufficient reason, fully to observe the foregoing directions, the General Officer of the Command may declare the extent to which they shall be observed.

(2) No public latrine shall be constructed or rebuilt except on a plan approved of by the General Officer of the Command.

Receptacles or places for temporary deposit of offensive matter and rubbish.

74. The cantonment authority shall, whenever necessary, provide and maintain in proper and convenient positions receptacles or places for the temporary deposit of offensive matter and rubbish.

Places for disposal of offensive matter and rubbish.

75. The cantonment authority shall appoint places for the disposal of night-soil, carcases and other offensive matter and rubbish.

Cesspools, receptacles for filth, &c.

76. The cantonment authority may, by notice in writing,—

(*a*) require any person having the control, whether as owner, lessee or occupier, of any land or building,—

(i) to close any offensive cesspool belonging to the land or building, or

(ii) to provide a receptacle (of a pattern, if any, approved of by the cantonment authority) for filth accumulating on or in the land or building, or

(iii) to keep in a cleanly condition (in such manner, if any, as may be prescribed by the notice), any receptacle provided for such filth, or

(iv) to prevent the water of any private latrine, urinal, sink or bath-room, or any other offensive matter, from soaking, draining, flowing or being put from the land or building upon any street or public place or into any water-course or into any drain not intended for the purpose; or

(*b*) require the owner or other person having the control of any private latrine or urinal not to put the same to public use; or,

(*c*) where any plan for the construction of private latrines or urinals has been approved of by the cantonment authority and copies thereof may be obtained free of charge on application,—

(i) require any person repairing or constructing a private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the Cantonment Magistrate and approved of by him as conforming with that plan, or

(ii) require any person having the control of a private latrine or urinal to rebuild or alter the same in accordance with that plan;

(*d*) require the owner or other person having the control of any private latrine or urinal which, in the opinion of the cantonment authority, creates a nuisance, to remove the latrine or urinal, and to substitute fresh earth, to such a depth, not exceeding two feet, as may be specified in the notice, for the earth on which the latrine or urinal stood; or

(*e*) require any person having the control, whether as owner, lessee or occupier, of any land or building,—

(i) to have any latrine provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling or working in the neighbourhood, or

(ii) to cleanse with deodorants any latrine or urinal belonging to the land or building; or

(*f*) require any person who has the control, whether as owner, lessee or occupier, of any land or building, and has allowed any offensive matter or rubbish to accumulate or remain thereon or therein to collect the same and deposit it, for removal by the public conservancy establishment, at such times and in such receptacles or places, situate at not more than one hundred feet from the nearest boundary of the premises, as may be specified in the notice: or

(*g*) where any land or building is situate within one hundred feet of a public drain or other place set apart for the discharge of drainage and the drains belonging to the land or building are, in the opinion of the cantonment authority, insufficient, require any person having control of the land or building, whether as owner or lessee, or, in the case of neighbouring lands or buildings, the several lessees or owners having control of the lands or buildings conjointly, to provide sufficient drainage within fifteen days from the service of the notice; or

(*h*) require any person to desist from making or altering any drain leading into a public drain; or

(*i*) require any person who is creating or likely to create a nuisance by—

(i) altering, obstructing or encroaching upon a public drain, or

(ii) impeding the flow of water owing to the absence of a culvert or the existence of an insufficient culvert under a path leading to his premises,

to desist therefrom; or

(*j*) require any person who is constructing or laying a drain, to obey any directions which the cantonment authority may, on the advice of the Executive Engineer, think fit to give in order to ensure the completion of the work to its satisfaction; or

(*k*) require any person, being the owner and having the control of any drain, to provide and apply to the same, within ten days from the service of the notice, such covering as may be specified in the notice; or

(*l*) require any person having the control of a drain to remove, within a period to be specified in the notice, any obstruction from the same, or to cleanse, purify, repair or alter the same or otherwise put it in good order.

Provision of latrines, etc.

77. (*1*) The cantonment authority may, by notice in writing, require the owner or lessee of any building or land, in such manner as may be specified in the notice, to remove or provide any latrine, urinal, cesspool or other receptacle for filth, or to provide any additional latrines, urinals, cesspools or other receptacles as aforesaid which should in its opinion be provided for the building or land.

(*2*) The cantonment authority may, by notice in writing, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleansed.

Employment of public sweepers.

78. (*1*) The cantonment authority may provide for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any latrine, urinal, cesspool or other receptacle for filth pertaining to any building or land, with the consent of the occupier of the building or land, or without such consent where the occupier fails to make arrangements to the satisfaction of the cantonment authority for the performance of such duties.

(*2*) Where the cantonment authority has provided for the performance by its agents of the duties referred to in this section, all matter removed by such agents in performing such duties shall be at the disposal of that authority.

Removal of noxious vegetation.

79. The cantonment authority may, by notice in writing, require the owner, lessee or occupier of any land to clear away and remove any thick or noxious vegetation or undergrowth which appears to it to be injurious to health or offensive to the neighbourhood.

Filling up of tank or marshy ground or draining off or removal of stagnant water.

80. Where any tank, marshy ground or waste or stagnant water, whether within any private enclosure or not, is in such a condition as to create a nuisance, the cantonment authority may, by notice in writing, require the owner, lessee or occupier of the land, within thirty days from the service of the notice, to fill up the tank or ground, or to drain off or remove the water, as the case may be:

Provided that, if, in the opinion of the cantonment authority, it is unreasonable to throw the whole expense on the owner, lessee or occupier, it may, with the previous sanction of the General Officer of the Command, require him to pay only a proportion of the expense.

Removal of overcrowded buildings.

81. (*1*) Where it appears to the cantonment authority that any block of buildings is, by reason of the manner in which the buildings are crowded together, in an unhealthy condition, it may cause the block to be inspected by a special committee consisting of—

(*a*) the Sanitary Officer,

(*b*) the Civil Surgeon of the district, or, if his services are not available, some other medical officer of the Government, and

(*c*) the Executive Engineer, or some person deputed by the Executive Engineer in this behalf.

(*2*) The special committee shall make a report in writing to the cantonment authority on the sanitary condition of the block; and, if it considers that the overcrowded condition thereof is likely to cause risk of disease to the inhabitants of the buildings or of the neighbourhood, or to endanger the public health, it shall clearly indicate, on a plan verified by the Executive Engineer or by the person deputed by him to serve on it, the buildings which should, wholly or in part be removed in order to abate the unhealthy condition of the block.

(3) If, upon receipt of such report, the cantonment authority is of opinion that all or any of the buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them:

Provided, first, that the cantonment authority shall make compensation to such owners for any buildings which may have been erected under proper authority: and

Provided, secondly, that the cantonment authority may, if it appears to it to be equitable under the circumstances to do so, pay to such owners such sum as it may think fit as compensation for any buildings which may not have been erected under proper authority.

(4) The sum payable as compensation under the first proviso to sub-section (3) may be settled by mutual agreement between the cantonment authority and such owners as aforesaid, or, in default of agreement, by a committee of arbitration constituted as provided in Chapter XX.

Explanation.—In this section, the word "buildings" includes enclosure-walls or fences connected with buildings.

Reduction of number of inmates of overcrowded dwelling.

82. Where it appears to the cantonment authority that any building used as a dwelling is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing, require the owner or occupier, within a time to be specified in the notice, to abate the overcrowding of the building by reducing the number of lodgers, tenants or other inmates.

Power to require that building be repaired or altered so as to remove sanitary defects.

83. (1) Where any building is so ill-constructed or dilapidated as to be, in the opinion of the cantonment authority, in an insanitary state, the cantonment authority may, by notice in writing, require the owner, within a time to be specified in the notice, to execute such repairs, or to make such alterations, as it may think necessary in order to remove such defects.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted on the building to which the notice relates.

Explanation.—A notice issued under sub-section (1) shall be deemed to have been complied with if the owner of the building to which it relates, has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

Power to require land or building to be cleansed.

84. The cantonment authority may, by notice in writing, require the owner, lessee or occupier of any building or land which appears to it to be in a filthy or unwholesome state, within twenty-four hours to cleanse the same or otherwise put it in a proper state in such manner as may be specified in the notice.

Penalties.

85. Whoever fails to comply with a notice issued under any of the provisions of sections 76 to 84, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

CHAPTER VII.

CONTROL OVER STREETS, BUILDINGS, LANDS, TREES, ETC.

Streets and Buildings.

Power to attach brackets for lamps.

86. The cantonment authority may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

87. (1) The cantonment authority may cause a name to be given to any street, and to be affixed on any building in such place as it may think fit, and may also cause a number to be affixed to any building; and may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any name or number differing from that put up by order of the cantonment authority, shall be punishable with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

88. The cantonment authority may, by public notice, direct that within certain limits, to be fixed by the notice, the roofs and external walls of huts or other buildings shall not, without its permission in writing, be made or renewed of grass, mats, leaves or other highly inflammable materials, and may, by notice in writing, require any person, who has disobeyed any such direction as aforesaid, to remove or alter the roofs or walls so made or renewed, as it may think fit.

Notice of new buildings.

89. (1) Whoever, except in such a case as is provided for by Chapter XXI, intends to erect or re-erect any building shall give notice in writing, in the manner hereinafter prescribed, of his intention to the cantonment authority, and the cantonment authority may, within six weeks after the receipt of the notice, refuse to sanction the building, or may sanction it either absolutely or subject to such directions as it may think fit to issue in writing in respect of all or any of the following matters, namely:

(a) the free passage or way to be left in front of the building;

(b) the space to be left about the building to secure free circulation of air and facilitate scavenging and the prevention of fire;

(c) the ventilation of the building;

(d) the provision and position of latrines, urinals, cesspools or other receptacles for filth;

(e) the level and width of the foundation, the level of the lowest floor and the stability of the structure; and

(*f*) the line of frontage with neighbouring buildings, if the building abuts on a street:

and the person erecting or re-erecting the building shall obey all such written directions:

Provided that the cantonment authority shall make full compensation to the owner for any damage which he may sustain in consequence of its prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(*2*) Whoever gives notice to the cantonment authority under sub-section (*1*), shall, along with the notice, forward a plan and specification of the building which he intends to erect or re-erect, together with a site-plan of the land of such character and with such details as the cantonment authority may require; and no such notice shall be valid until such plans and specification have been supplied.

(*3*) Where any building is begun or erected without the giving of the notice and the submission of the plans and specification required by this section, or in contravention of any order of the cantonment authority issued within six weeks of the receipt of a valid notice thereunder, the cantonment authority may, by notice in writing, to be delivered within a reasonable time, require the building to be altered or demolished, as it may think necessary.

(*4*) Where the cantonment authority neglects or omits for six weeks after the receipt of a valid notice under this section to make and deliver to the person who has given the notice, any order in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely.

(*5*) Every sanction for the erection or re-erection of a building given or deemed to have been given by the cantonment authority as aforesaid shall be available for one year from the date on which the notice became valid and complete, and no longer; and, if the building so sanctioned is not begun by the person who has obtained the sanction, or some one lawfully claiming under him, within that period, it shall not thereafter be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the cantonment authority in the manner hereinbefore prescribed, and thereupon the provisions hereinbefore contained shall apply to the fresh notice.

Explanation.—In this section the expression "erect or re-erect any building" includes—

(*a*) any material alteration or enlargement of any building;

(*b*) the conversion into a place for human habitation of any building not originally constructed for human habitation;

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place;

(*d*) the conversion of two or more places of human habitation into a greater number of such places;

(*e*) such alterations of the internal arrangement of a building as affect an alteration of its drainage or sanitary arrangements, or affect its security; and

(*f*) the addition of any rooms, buildings, outhouses or other structures to any building.

Projections and obstructions.

90. (*1*) The owner or occupier of a building shall not, without the permission in writing of the cantonment authority, add to, or place against or in front of, the building, any projection or structure overhanging, projecting into, or encroaching on, any street, or into or on any drain, sewer or aqueduct therein.

(*2*) The cantonment authority may, by notice in writing, require the owner or occupier of any building to alter or remove any such projection or encroachment as aforesaid:

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Code, the cantonment authority shall make reasonable compensation for any damage caused by the removal or alteration.

(*3*) The cantonment authority may, by order in writing, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the order.

Troughs and pipes for rain-water.

91. The cantonment authority may, by notice in writing, require the owner or lessee of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

Unauthorized buildings over drains, etc.

92. The cantonment authority may, by notice in writing, require any person who has, without its permission in writing, newly erected or re-erected any building over any public sewer, drain, culvert, water-course or water-pipe, to pull down or otherwise deal with the same as it may think fit.

Power to require buildings, wells, tanks, etc., to be secured.

93. Where any building, well, tank, reservoir, pool, depression or excavation is, in the opinion of the cantonment authority, for want of sufficient repair, protection or enclosure, as the case may be, dangerous to persons passing by or dwelling or working in the neighbourhood, the cantonment authority may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the same; and, if there is, in the opinion of the cantonment authority, imminent danger, it shall forthwith take such steps to avert the danger as it may think necessary.

Building, etc., in ruinous or dangerous state.

94. Where any building, wall or structure, or anything affixed thereto, or any bank or tree, is, in the opinion of the cantonment authority, in a ruinous state or in any way dangerous, the cantonment authority may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made as it may think necessary for the public safety, and,

if there is, in the opinion of the cantonment authority, imminent danger, it shall forthwith take such steps to avert the danger as it may think necessary.

Power to require untenanted building or land becoming a nuisance to be secured or enclosed.

95. The cantonment authority may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land, or the lessee or person claiming to be the lessee of any land, which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a time to be specified in the notice.

Boundaries, Trees, etc.

Boundary-walls, hedges and fences.

96. (*1*) The cantonment authority may, by public notice, prohibit the construction of boundary walls, hedges or other fences of any material or description which is, in its opinion, unsuitable, unsightly or otherwise objectionable.

(*2*) The cantonment authority may, by notice in writing, require the owner or lessee of any land—

(*a*) to remove from the land any boundary wall, hedge or other fence which is, in its opinion, unsuitable, unsightly or otherwise objectionable ;

(*b*) to construct on the land sufficient boundary walls, hedges or other fences of such material, description and dimensions as may be specified in the notice ;

(*c*) to maintain the boundary-walls, hedges or other fences on the land in good order.

Explanation.—In this section, the expression "boundary-walls, hedges or other fences" includes all necessary gates and the posts or pillars thereof.

Cutting or trimming of hedges.

97. The cantonment authority may, by notice in writing, require the owner, lessee or occupier of any land within three days to cut or trim any hedges on the land in such manner as may be specified in the notice.

General felling, lopping or trimming of trees.

98. No general felling of trees, and no general lopping or trimming of trees in a manner likely to cause permanent injury thereto, shall be ordered by the cantonment authority without the previous sanction of the General Officer of the Command.

Felling of trees of mature growth.

99. (*1*) No tree of mature growth, whether standing in any private enclosure or not, shall be felled without the previous sanction of the cantonment authority.

(*2*) Where, in the opinion of the cantonment authority, the felling of any tree of mature growth standing in a private enclosure is necessary for sanitary reasons, the cantonment authority may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within a time to be specified in the notice.

Power to require lopping or trimming of trees.

100. The cantonment authority may—

(*a*) cause to be lopped or trimmed any trees standing on land belonging to the Government ; or,

(*b*) by public notice, require all owners, lessees or occupiers of land, or, by notice in writing, require the owner, lessee or occupier of any land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land.

Agriculture and irrigation.

101. (*1*) Where, in the opinion of the cantonment authority, the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any specified manner, is for any reason undesirable, the cantonment authority may, by public notice, prohibit such cultivation, use or irrigation after a certain date to be specified in the notice :

Provided that, if, when a notice is issued under this section, any land to which it relates has been lawfully prepared for cultivation or any crop is sown therein or is standing thereon, the cantonment authority—

(*a*) may, subject to such conditions as it may think fit to impose, postpone the date from which the notice is to take effect ; or

(*b*) may, if it appears to it to be equitable under the circumstances to do so and whether or not it postpones the date from which the notice is to take effect, pay to any person interested in the land or crop such sum as it may think fit as compensation for any loss incurred by reason only of his having complied with the notice : and

(*c*) shall, if it directs that the notice is to take effect without delay, make compensation to all persons interested in the land or crop for any loss incurred by reason only of their having complied with the notice.

(*2*) The sum payable as compensation under clause (*c*) of the proviso to sub-section (*1*) may be settled by mutual agreement between the cantonment authority and such person or persons as aforesaid, or, in default of agreement, by a committee of arbitration constituted as provided in Chapter XX.

Improper use of land.

102. The cantonment authority may, by notice in writing, require the owner, lessee or occupier of any land to abstain from the improper use of the same, whether by quarrying, or by removing earth, sand, stone or gravel, or by digging a tank, well or pit.

Digging up of public grass-land.

103. Whoever, without the permission in writing of the cantonment authority, digs up the surface of any public grass-land, shall be punishable with fine which may extend to twenty rupees.

Penalties.

104. Whoever fails to comply with any notice issued under this Chapter, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

Penalties.

CHAPTER VIII.

CONTROL OVER SARAIS, ENCAMPING-GROUNDS, TRAFFIC, ETC.

Sarais.

Duties of keepers of sarais.

105. (*1*) Every keeper of a sarai shall be bound,—

(*a*) if to his knowledge any person in the sarai is ill of any infectious or contagious disorder, or has died of any such disorder, to make an immediate report of the fact to the officer in charge of the police-station within the jurisdiction of which the sarai is situated;

(*b*) to maintain a sufficient supply of pure water for the use of persons frequenting the sarai;

(*c*) to keep all parts of the sarai in a clean and sanitary condition; and

(*d*) to give any information which the Cantonment Magistrate may, by notice in writing, require regarding—

(i) the boundaries of the sarai, and

(ii) any matters affecting its management and condition.

(*2*) Whoever fails to give the Cantonment Magistrate any information required under this section or wilfully gives him false information, shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

Power to require report as to persons using sarai.

106. (*1*) The Cantonment Magistrate may, by notice in writing, require any keeper of a sarai to report to him, or to any person whom he may appoint in this behalf, either orally or in writing as may be directed in the notice, the name and description, or the names and descriptions, of any person or persons who resorted to the sarai during any period, to be specified in the notice.

(*2*) Where a written report is required, the form in which the same is to be furnished may be specified in the notice.

(*3*) Whoever fails to comply with any notice issued under this section or wilfully makes a false report thereunder, shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

Power to close sarais.

107. (*1*) Where the keeper of a sarai commits a breach of any of the provisions of sections 105 and 106, the cantonment authority may, in addition to any punishment which may be inflicted thereunder, by notice in writing, require that the sarai be closed to the use of the public.

(*2*) A notice issued under sub-section (*1*) shall be cancelled and cease to have effect, if the keeper of the sarai satisfies the cantonment authority that no such breach as aforesaid would be likely to occur in the event of the sarai being re-opened to the use of the public.

Saving of Sarais Act, 1867.

108. The provisions of sections 105, 106 and 107 shall not apply to any cantonment to which the Sarais Act, 1867, for the time being extends. XXII of 1867

Encamping-grounds, etc.

Encamping-grounds and pitching of tents.

109. (*1*) No place in the cantonment shall be used as an encamping-ground or for the pitching of tents without the permission in writing of the cantonment authority.

(*2*) Such permission as aforesaid may be granted subject to any conditions which the cantonment authority may think fit to impose with respect to sanitary arrangements and other matters affecting the public health, safety or convenience.

Markets and Slaughter-houses.

Sale in markets of articles unfit for human consumption.

110. No person shall in any market sell, or expose for sale, any article of food or drink for human consumption which is unfit therefor.

Hours during which markets may be kept open.

111. (*1*) The cantonment authority may, by public notice, limit the hours during which any market may be kept open for public use.

(*2*) A copy of every notice issued under sub-section (*1*) shall be conspicuously posted in each market to which the notice relates.

Sanitary Officer and Cantonment Magistrate to inspect markets.

112. The Sanitary Officer and the Cantonment Magistrate shall frequently inspect—

(*a*) articles of food and drink for human consumption kept for sale in markets;

(*b*) the water-supply of markets;

(*c*) the arrangements for the removal and disposal of offensive matter and rubbish from markets; and

(*d*) all other arrangements for maintaining markets in a proper sanitary condition.

Power to prohibit or restrict sales in public markets.

113. The cantonment authority may, by public notice, prohibit the sale, or exposure for sale, of any animal or article, or class of animals or articles, in any public market.

114. Where the owner or the person in charge of a private market applies for a license therefor, such license shall be granted free of charge by the Cantonment Magistrate on his being satisfied—

Licensing of private markets.

(*a*) that convenient passages have been provided between the shops, stalls, sheds or standings in the market;

(*b*) that a sufficient supply of pure water is provided for the market;

(*c*) that, in the case of a large market, one or more public latrines, at a distance of not less than fifty yards from the market, and one or more public urinals, according to requirements, are provided for the use of persons frequenting the market; and

(*d*) that suitable arrangements are made for—

(i) keeping the market in a clean and sanitary condition and removing offensive matter and rubbish therefrom,

(ii) the proper ventilation of the buildings and structures in the market, and

(iii) the proper maintenance of the public latrines and urinals (if any) provided for the use of persons frequenting the market.

115. No private market shall, after the commencement of this Code, be opened to public use until it has been licensed.

New private markets to be licensed.

116. (*1*) The cantonment authority may require,—

Power to require existing private markets to be licensed.

(*a*) by notice in writing, the owner or the person in charge of any private market in existence at the commencement of this Code, or,

(*b*) by public notice, the owners or the persons in charge of any class of such markets,

to furnish, within a time to be specified in the notice, any information which may be needed for the purpose of determining whether a license should be required for any such market.

(*2*) On the expiration of such time as aforesaid, the cantonment authority shall determine, in respect of each market to which the notice relates, whether or not it is necessary to require a license.

(*3*) Where the cantonment authority determines that a license shall be required for any such market and a license therefor either is not applied for or is refused, the cantonment authority may, by notice in writing, require the owner or the person in charge of the market to close the same until a license has been obtained.

117. The owner or the person in charge of a licensed market shall be bound—

Duties of owners or persons in charge of licensed markets.

(*a*) to maintain convenient passages between the shops, stalls, sheds or standings in the market·

(*b*) to maintain a sufficient supply of pure water for the market;

(*c*) to keep the market in a cleanly and sanitary condition and to remove all offensive matter and rubbish therefrom; and

(*d*) to maintain in good order any public latrines or urinals which may have been provided for the use of persons frequenting the market.

118. (*1*) Where the owner or the person in charge of a licensed market commits a breach of any of the provisions of sections 111 and 117, the cantonment authority may, in addition to any punishment which may be inflicted under this Code, by order in writing, suspend the license for any period to be specified in the order, or withdraw the license.

Power to suspend or withdraw licenses for markets.

(*2*) No market for which a license has been granted under this Chapter, shall be kept open for public use while the license therefor is suspended or after the same has been withdrawn.

(*3*) A copy of every order made under sub-section (*1*) shall be conspicuously posted in the market to which the order relates.

119. The Cantonment Magistrate shall maintain a register of all private markets which have been licensed under this Chapter, showing—

Register of private markets.

(*a*) the date on which the license was issued, and,

(*b*) where the license has been suspended, the date and period of the suspension, or,

(*c*) where the license has been withdrawn, the date of the withdrawal.

120. Whoever, knowing that a license granted for a private market is for the time being suspended or has been withdrawn, sells or exposes for sale therein any meat, fish, milk, fruit, vegetables or other perishable articles of food for human consumption, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Selling in private market when license suspended or withdrawn.

121. Where the cantonment authority has made or approved of any arrangements for—

Management of slaughter-houses generally.

(*a*) passing and marking animals in a slaughter-house as being suitable for slaughter, or

(*b*) regulating the admission into a slaughter-house of persons carrying on business or trade or working for gain therein, or regulating the conduct of such persons therein,

the owner or the person in charge of the slaughter-house shall not slaughter, or permit to be slaughtered, any animal therein, unless those arrangements are duly observed.

122. (*1*) The cantonment authority may, by public notice, limit the hours during which any slaughter-house may be kept open for use and the slaughter of animals may be permitted therein.

Hours during which slaughter-house may be kept open.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in each slaughter-house to which the notice relates.

Power to prohibit or restrict use of slaughter-house.

123. (1) Where it is, in the opinion of the cantonment authority, necessary on sanitary grounds to do so, the cantonment authority may, by public notice, prohibit, for any period not exceeding one month to be specified in the notice, or for such further period, not exceeding one month, as it may from time to time by a like notice specify, the use of any slaughter-house or the slaughter therein of any animal of a description specified in the notice.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in the slaughter-house to which the notice relates.

Licensing of private slaughter-houses.

124. Where the owner or the person in charge of a private slaughter-house applies for a license therefor, such license shall be granted free of charge by the Cantonment Magistrate on his being satisfied—

(a) that convenient passages have been provided between any pens, standings or yards in the slaughter-house ;

(b) that a sufficient supply of pure water has been provided for the slaughter-house :

(c) that sufficient drains have been provided ;

(d) that the premises are so enclosed as to prevent the interior being visible by passers-by : and

(e) that suitable arrangements have been made for—

(i) keeping the slaughter-house in a clean and sanitary condition and removing offensive matter and rubbish therefrom ;

(ii) the proper ventilation of the buildings and structures in the slaughter-house ;

(iii) the proper maintenance of the drains and of any public latrines and urinals that may be required for the use of persons frequenting the slaughter-house ;

(iv) the treatment of animals in the slaughter-house ;

(v) the slaughter of animals in a humane manner within an enclosure so constructed that animals placed therein shall be out of sight of animals kept outside ;

(vi) the removal of animals to such enclosure as aforesaid ;

(vii) the disposal or destruction of animals which are offered for slaughter and are from disease or any other cause unfit for human consumption ; and

(viii) the destruction of carcases which from disease or any other cause are found after slaughter to be unfit for human consumption :

Provided that no license shall be granted for a slaughter-house opened after the commencement of this Code if the slaughter-house is situate at any place which the cantonment authority thinks, especially with regard to any neighbouring drains or water-courses, to be objectionable.

New private slaughter-houses to be licensed.

125. No private slaughter-house shall, after the commencement of this Code, be opened to public use until it has been licensed.

Power to require existing private slaughter-houses to be licensed.

126. (1) The cantonment authority may, by notice in writing, require the owner or the person in charge of any private slaughter-house in existence at the commencement of this Code to furnish, within a time to be specified in the notice, any information which may be needed for the purpose of determining whether a license should be required therefor.

(2) On the expiration of such time as aforesaid the cantonment authority shall determine whether or not it is necessary to require a license.

(3) Where the cantonment authority determines that a license shall be required for the slaughter-house, and a license therefor either is not applied for or is refused, the cantonment authority may, by notice in writing, require the owner or the person in charge of the slaughter-house to close the same until a license has been obtained.

Duties of owners or persons in charge of licensed slaughter-houses.

127. The owner or the person in charge of a licensed slaughter-house shall be bound—

(a) to maintain convenient passages between any pens, standings or yards in the slaughter-house ;

(b) to maintain a sufficient supply of pure water for the slaughter-house ;

(c) to keep the slaughter-house in a cleanly and sanitary condition, to provide and maintain receptacles for refuse, and to remove all offensive matter and rubbish from the slaughter-house ;

(d) to maintain in good order the drains of the slaughter-house and any public latrines or urinals which may have been provided for the use of persons frequenting it ;

(e) to maintain suitable arrangements for the purposes mentioned in section 124, clause (e), sub-clauses (iv) to (viii) ; and

(f) to prevent the keeping of animals at the slaughter-house for more than twenty-four hours.

Power to suspend or withdraw licenses for slaughter-houses.

128. (1) Where the owner or the person in charge of a licensed slaughter-house commits a breach of any of the provisions of sections 122, 123 and 127, the cantonment authority may, in addition to any punishment which may be inflicted under this Code, by order in writing, suspend the license for any period to be specified in the order, or withdraw the license.

(2) No slaughter-house for which a license has been granted under this Chapter, shall be

kept open to public use, and no animal shall be slaughtered therein, while the license therefor is suspended or after the same has been withdrawn.

(3) A copy of every order made under sub-section (1) shall be conspicuously posted in the slaughter-house to which the order relates.

Register of private slaughter-houses.

129. The Cantonment Magistrate shall maintain a register of all private slaughter-houses which have been licensed under this Chapter, showing—

(a) the date on which the license was granted; and,

(b) where the license has been suspended, the date and period of the suspension; or,

(c) where the license has been withdrawn, the date of the withdrawal.

Slaughtering in slaughter-house when license suspended or withdrawn.

130. Whoever, knowing that a license granted for a slaughter-house is for the time being suspended or has been withdrawn, slaughters any animal therein, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Levy of stallages, rents and fees in public markets and slaughter-houses.

131. (1) The cantonment authority may—

(a) charge, for the occupation or use of any stall, shop, standing, shed or pen in a public market or slaughter-house, and for the right to expose goods for sale in a public market and for weighing and measuring goods sold therein, and for the right to slaughter animals in any public slaughter-house, such stallages, rents and fees as shall from time to time be fixed by it, with the approval of the Officer Commanding the District, in this behalf; or,

(b) with the approval of the Officer Commanding the District, farm the stallages, rents and fees leviable as aforesaid, or any portion thereof, for any period not exceeding one year at a time.

(2) A copy of the table of stallages, rents and fees (if any) leviable in any public market or slaughter-house under sub-section (1), printed in the English language and in such other language or languages as the cantonment authority may direct, shall be affixed in some conspicuous place in the market or slaughter-house, as the case may be.

Import of cattle and flesh.

132. (1) No person shall, without the permission in writing of the cantonment authority, bring into the cantonment any cattle, sheep, goats or swine intended for human consumption or the flesh of any such animal slaughtered outside the cantonment.

(2) Any animal or flesh brought into the cantonment in contravention of sub-section (1) may be seized by the Cantonment Magistrate or by any servant of the cantonment authority and sold or otherwise disposed of as the cantonment authority may direct, the sale-proceeds being credited to the cantonment fund.

(3) Whoever commits a breach of the provision of this section, shall be punishable with fine which may extend to fifty rupees.

Explanation.—Nothing in this section shall be deemed to apply to cured or preserved meat.

Traffic.

Closing and opening of streets.

133. The cantonment authority shall not permanently close any street or open any new street without the previous sanction of the General Officer of the Command.

Rule of the road.

134. Whoever is driving a vehicle along a street, shall, except in case of actual necessity, keep to the left when passing a vehicle coming from the opposite direction, and to the right when passing a vehicle going in the same direction.

Rash riding or driving.

135. No animal shall be ridden or driven, and no vehicle shall be driven, on any street in a rash or negligent manner.

Riding or driving at time or in manner prohibited.

136. No animal shall be ridden or driven, and no vehicle shall be driven, on any street at a time or in a manner prohibited by public notice issued by the cantonment authority or by the District Superintendent of Police.

Use of lamps on vehicles.

137. No vehicle shall be driven, led or kept standing on any street between nightfall and dawn without a suitable lamp, unless there is sufficient moonlight to render a lamp unnecessary.

Removal of elephant or camel on approach of horse or vehicle drawn by bullock.

138. Whoever is driving any elephant or camel on a street, shall remove the same to a safe distance on the approach of a horse or of bullocks drawing a vehicle.

Leaving vehicle or animal without proper control.

139. No vehicle or animal shall be left on a street without proper control.

Training, breaking or exercising animal.

140. No animal shall be trained, broken in or led for exercise on any street at a time or place prohibited by public notice issued by the cantonment authority.

Obstructing street.

141. No person shall—

(a) cause any vehicle, with or without an animal harnessed thereto, to remain or stand on any street longer than may be necessary for loading or unloading or for taking up or setting down passengers; or

(b) leave or fasten any vehicle or animal so as to cause obstruction in any street; or

(c) expose any article for sale, whether upon a stall or booth or in any other manner;

so as to cause obstruction in any street; or

(*d*) in any other manner wilfully obstruct or cause obstruction to the free passage of any street.

Burial and Burning Grounds.

Power to call for information regarding burial and burning grounds.

142. The cantonment authority may, by notice in writing, require the owner or keeper of any burial or burning ground to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

Permission required for use of new burial or burning ground.

143. (*1*) No place not previously used as a burial or burning ground shall, after the commencement of this Code, be so used without the permission in writing of the cantonment authority.

(*2*) Such permission as aforesaid may be granted subject to any conditions which the cantonment authority may think fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons living in the neighbourhood.

Power to require closing of burial or burning ground.

144. (*1*) Where the cantonment authority is of opinion, after making or causing to be made local inquiry, that any burial or burning ground has become offensive to, or dangerous to the health of, persons living in the neighbourhood, it may, with the previous sanction of the Local Government, by notice in writing, require the owner or keeper of such ground to close the same from a date to be specified in the notice.

(*2*) Where the Local Government sanctions the issue of any notice under sub-section (*1*), it shall declare the conditions on which the burial or burning ground may be re-opened, and a copy of the declaration shall be annexed to the notice.

(*3*) Where the Local Government sanctions the issue of any such notice as aforesaid, it shall require a new burial or burning ground to be provided at the expense of the cantonment fund, or, if the community concerned is willing to provide a new burial or burning ground, a grant to be made from the cantonment fund towards the cost of the same.

Prohibition of use of burial or burning ground closed under section 144.

145. No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under section 144, sub-section (*1*), is for the time being in force.

Distance between graves.

146. No grave shall be made in any burial ground at a less distance than three feet from the margin of the nearest grave.

Depth of graves.

147. No corpse shall, without the permission in writing of the cantonment authority, be buried in any burial-ground in a grave of less depth than—

(*a*) four feet, where the grave is made of masonry; or

(*b*) six feet, where the grave is not made of masonry.

Corpses to be buried or burnt within six hours.

148. Every corpse brought to a burial or burning ground shall be buried or burnt, as the case may be, within six hours after it has been so brought.

Corpses to be reduced to ashes.

149. Every corpse brought to a burning-ground shall be completely reduced to ashes.

Power in respect of improperly disposed of corpses.

150. Where a corpse has been buried, burnt or otherwise disposed of in contravention of any of the provisions of sections 143, 145, 146, 147, 148 and 149, the cantonment authority may, if it thinks fit, take such order therewith, or with the remains thereof, as shall ensure the proper disposal of the same in accordance with this Code.

Certain burial-grounds excepted from operation of sections 142 to 150.

151. The provisions of sections 142 to 150 shall not apply to any burial-ground which is for the time being managed under rules published in the Public Works Department Code.

CHAPTER IX.

WATER-SUPPLY.

Control of cantonment authority over sources of public water-supply.

152. All sources of public water-supply (except such as are used for the purposes of water-works and are for the time being under the control of the Public or Military Works Department) shall be under the control of the cantonment authority.

Duty of cantonment authority to maintain supply of pure water, etc.

153. Where there are no water-works, the cantonment authority shall take all necessary measures for maintaining a supply of pure water, for guarding from pollution water which is used for human consumption, and for preventing polluted water from being so used.

Power to prohibit use of any source of public drinking-water-supply.

154. (*1*) Where, in the opinion of the cantonment authority, the water in any source of public water-supply is likely, if used by any human being or by any milch animal for drinking purposes, to engender or cause the spread of any disorder, the cantonment authority may, by public notice, prohibit the use or removal of the same for all or any of the following purposes, namely:

(*a*) the drink of human beings or admixture with any article of human consumption;

(*b*) the drink of milch animals, or admixture with any article of food or drink for milch animals;

(*c*) the washing of vegetables or of cooking-utensils;

(*d*) any other purpose which is likely to cause its introduction into any article of human consumption.

(*2*) A copy of every notice issued under sub-section (*1*) shall be conspicuously posted

near the source of water-supply to which the notice relates.

155. The cantonment authority may, by notice in writing, require the owner, or any person having control, of any source of public water-supply which is used for drinking purposes,—

Power to require proper maintenance, or closing to public use, of private source of public drinking-water-supply.

(*a*) to keep the same in good order, and to clear it from time to time of silt, refuse or decaying vegetation; or,

(*b*) if the water therein is proved to the satisfaction of the cantonment authority to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to, or using, such water:

Provided that in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the cantonment authority for the use of the public, and the cantonment authority shall thereupon undertake the control and supervision of the same.

Polluting source of public drinking-water-supply.

156. (*1*) Whoever—

(*a*) bathes in any source of public water-supply which is used for drinking purposes; or

(*b*) washes, throws or causes or permits to enter, therein any dog or other animal; or

(*c*) washes or cleanses therein any clothes, wool, cloth, leather, skin, utensil or other thing; or

(*d*) throws or allows to flow thereinto any offensive matter or rubbish; or

(*e*) causes or allows the water of any sink, drain, steam-engine or boiler, or any other filthy or polluted water, belonging to him or under his control, to flow thereinto; or

(*f*) does any other act whereby the water thereof is polluted or is likely to be polluted;

shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

(*2*) For the purposes of this section the cantonment authority may, by public notice, declare what sources of public water-supply are used for drinking purposes.

(*3*) A copy of every notice issued under sub-section (*2*) shall be conspicuously posted near the source of water-supply to which the notice relates.

157. The cantonment authority may, by public notice, prohibit any act specified in the notice which would, in its opinion,—

Impairing quality, or diminishing quantity, of water in source of public drinking-water-supply or impairing usefulness of water-works.

(*a*) impair the quality or diminish the quantity of the water in any source of public water-supply which is set apart for public use and is used for drinking purposes; or

(*b*) injure or impair the usefulness of any of the pipes, locks, cocks or other fittings of water-works.

158. (*1*) The cantonment authority may, by public notice, prohibit trespasses upon land occupied by water-works.

Trespass on water-works.

(*2*) A copy of every notice issued under sub-section (*1*) shall be conspicuously posted on the land to which the notice relates.

159. (*1*) No person shall, without the permission in writing of the cantonment authority alter, obstruct, or encroach upon, any public water-channel.

Altering, obstructing or encroaching upon, public water-channel.

(*2*) The cantonment authority may, by notice in writing, require any person who has made any such alteration, obstruction or encroachment as aforesaid, to remove, or desist from, the same.

160. (*1*) The cantonment authority may, by public notice, prohibit fishing, boating or the gathering of flowers or plants, generally or by any particular method specified in the notice, in any source of public water-supply, where it considers that any such act is likely to cause danger to the public health.

Power to prohibit polluting of source of public water-supply by fishing, boating or gathering flowers or plants.

(*2*) A copy of every notice issued under sub-section (*1*) shall be conspicuously posted near the source of water-supply to which the notice relates.

161. No person shall throw a corpse into any source of public water-supply.

Throwing of corpse into source of public water-supply.

162. The cantonment authority may, by notice in writing, require the owner, lessee or occupier of any place in which is carried on any offensive trade or manufacture whereby the water in any source of public water-supply is polluted, to take steps to abate such pollution.

Power to prohibit pollution of source of public water-supply by carrying on offensive trade.

163. No person shall, without the permission in writing of the cantonment authority,—

Placing latrine, etc., or depositing offensive matter or rubbish, near source of public water-supply.

(*a*) place any latrine, urinal, cesspool or drain, or

(*b*) use for the deposit of offensive matter or rubbish any place,

within fifty feet of any source of public water-supply.

164. The cantonment authority may, by notice in writing, require any lessee, owner or occupier on whose land any latrine, urinal, cesspool, drain or other receptacle for

Removal of latrine, etc., near any source of public water-supply.

offensive matter exists within fifty feet of any source of public water-supply, to remove or close the same within one week from the service of the notice.

Bathing or washing at public well or spring.

165. Whoever—

(*a*) bathes, or

(*b*) washes any animal, or any clothes, wool, cloth, leather, skin, utensil or other thing,

by the side of any public well or spring so as to pollute the water thereof, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Regulation of public bathing and washing.

166. (*1*) The cantonment authority may, by public notice, prohibit—

(*a*) bathing, or

(*b*) the washing of animals or of clothes, wool, cloth, leather, skins, utensils or other things, or of any class of such things,

by the public or any class thereof at any public place specified in the notice.

(*2*) The cantonment authority may, by public notice,—

(*a*) appoint places for—

(i) bathing, or

(ii) the washing of animals or of clothes, wool, cloth, leather, skins, utensils or other things, or any class of such things; and

(*b*) fix the hours at which alone bathing or washing may be carried on at any place so appointed.

(*3*) In any notice issued under sub-section (*1*), separate places may be appointed for bathing and washing, respectively, and separate places may be appointed for bathing by men and women, respectively.

(*4*) A copy of every such notice as aforesaid shall be conspicuously posted on or near the place or places to which the notice relates.

Explanation.—In this section, the expression "washing an animal" includes driving or throwing an animal, or permitting it to go, into water.

CHAPTER X.

TRADES, CALLINGS AND OCCUPATIONS.

Licenses required for carrying on of certain occupations.

167. No person of any of the following classes, namely:

(*a*) butchers, and sellers of poultry, game or fish;

(*b*) persons keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered in India;

(*c*) persons keeping milch cattle or milch goats for profit;

(*d*) persons keeping for profit any animals other than pigs, milch cattle or milch goats;

(*e*) dairymen and buttermen;

(*f*) makers of bread, biscuits or cake, and sellers of bread, biscuits or cake made in India;

(*g*) sellers of fruit or vegetables;

(*h*) manufacturers of aërated or other potable waters, or ice, and sellers of the same;

(*j*) sellers of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aërated or other potable waters, or ice) which are of a perishable nature;

(*k*) sellers of water to be used for drinking purposes;

(*l*) washermen;

(*m*) dealers in hay, straw, wood, charcoal or other inflammable material;

(*n*) details in fireworks, kerosine oil, petroleum or any other inflammable oil or spirit;

(*o*) tanners and dyers; and

(*p*) persons carrying on any trade or occupation from which offensive or unwholesome smells arise;

shall carry on his trade, calling or occupation in any part of the cantonment, unless he has applied for and obtained a license from the cantonment authority:

Provided, first, that a license shall not be withheld if the applicant is willing to comply with such conditions as the cantonment authority may think fit to impose under section 168:

Provided, secondly, that no charge shall be made for any license granted under this section: and

Provided, thirdly, that no person who is, at the commencement of this Code carrying on his trade, calling or occupation in any part of the cantonment shall be bound to apply for a license for carrying on such trade, calling or occupation in that part until he has received from the cantonment authority not less than three months' notice in writing of his obligation to do so, and that, if the cantonment authority refuses to grant him a license, it shall pay him reasonable compensation for any loss incurred by reason of such refusal.

Conditions which may be entered in such licenses.

168. A license granted to any person under section 167 shall specify the part of the cantonment in which the licensee may carry on his trade, calling or occupation, and may contain any conditions which the cantonment authority may think fit to impose with respect to the following matters, namely:

(*a*) in the case of butchers, and sellers of poultry, game or fish,—

(i) the apparatus and coverings to be used in the operations of their trade;

(ii) the places at which, and the manner in which, meat, poultry, game or fish may be exposed for sale; and

(iii) the disposal of meat, poultry, game or fish when found to be unfit for human consumption:

(*b*) in the case of persons keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered in India,—

(i) the places at which pigs may be kept;

(ii) the number of pigs which may be kept at any one place;

(iii) the season and the places at which pigs may be slaughtered and the flesh offered for sale;

(iv) the manner in which pigs shall be inspected prior to slaughter; and

(v) the manner in which the flesh thereof shall be inspected and marked prior to sale, and disposed of when found to be unfit for human consumption:

(*c*) in the case of persons keeping milch cattle or milch goats for profit,—

(i) the places at which such animals may be kept;

(ii) the number of such animals which may be kept at any one place;

(iii) the sources from which such animals shall be watered;

(iv) the segregation of any sick or diseased animals; and

(v) the taking of any other measures which the cantonment authority may think necessary for maintaining the premises in a clean and sanitary state:

(*d*) in the case of persons keeping for profit any animals other than pigs, milch cattle or milch goats,—

(i) the places at which such animals may be kept;

(ii) the number of such animals which may be kept at any one place; and

(iii) the manner of keeping the animals so as to prevent their becoming a public nuisance or injurious to the public health:

(*e*) in the case of dairymen and buttermen,—

(i) the vessels and other apparatus to be used in the operations of their trade;

(ii) the places at which and the manner in which milk or butter may be prepared and kept for sale; and

(iii) the taking of any other measures which the cantonment authority may consider necessary for keeping the premises and all vessels and apparatus in a clean and sanitary state:

(*f*) in the case of makers of bread, biscuits or cake, and sellers of bread, biscuits or cake made in India,—

(i) the apparatus and the water, flour and other ingredients which may be used in the operations of their trade;

(ii) the places at which bread, biscuits or cake may be prepared and kept for sale;

(iii) the inspection to be exercised over the making of such articles; and

(iv) the disposal of any such articles which may be found to be unwholesome:

(*g*) in the case of sellers of fruit or vegetables,—

(i) the places and seasons at which fruit or vegetables, or any specified kinds of fruit or vegetables, may be sold; and

(ii) the disposal of any fruit or vegetables which may be found to be unwholesome, or of which the sale has been prohibited under clause (*g*), sub-clause (*i*):

(*h*) in the case of manufacturers of aërated or other potable waters, or ice, and sellers of the same,—

(i) the sources from which water used in such manufacture shall be taken;

(ii) the machinery, chemicals and ingredients which may be used in such manufacture;

(iii) the measures to be taken in order to ensure the proper filtering of the water used and the cleanliness of all apparatus and receptacles used; and

(iv) the attachment of labels or the adoption of other means for the purpose of identifying the factory at which each article was made:

(*j*) in the case of sellers of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aërated or other potable waters, or ice) which are of a perishable nature, the disposal of any articles which may be found to be unwholesome:

(*k*) in the case of sellers of water to be used for drinking purposes,—

(i) the sources from which such water shall be taken; and

(ii) the taking of measures to ensure the cleanliness of mussuks or any other vessels or utensils used for carrying such water:

(*l*) in the case of washermen, the places at which clothes may be washed, dried or kept:

(*m*) in the case of dealers in hay, straw, wood, charcoal or other inflammable material,—

(i) the places at which such materials may be kept;

(ii) the quantity which may be stored at any one place, and the manner of storing; and

(iii) the precautions against fire to be taken by the dealer or the person in charge of the business:

(*n*) in the case of dealers in fire-works, petroleum, kerosine oil or any other inflammable oil or spirit,—

(i) the places at which, and the quantities in which, any such article may be stored or kept for sale ; and

(ii) the taking of any measures which the cantonment authority may consider necessary for the prevention of danger to life or property :

(*o*) in the case of tanners and dyers, the taking of measures for regulating the discharge of refuse matter from their premises and for abating any nuisance arising from such premises : and

(*p*) in the case of persons carrying on any trade or occupation from which offensive or unwholesome smells arise, the taking of any measures which the cantonment authority may consider necessary for the abatement of any nuisance arising from the premises.

Explanation.—For the purposes of clause (*a*), sub-clause (iii), meat which has been subjected to the process of blowing, shall be presumed to be unfit for human consumption.

Power of cantonment committee to make bye-laws as to vehicles, etc.

169. The cantonment committee (if any) may, by bye-laws made at a meeting of which at least six clear days' notice has been given,—

(*a*) render licenses necessary for the proprietors or drivers of vehicles, boats or animals kept or plying for hire within the cantonment, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked, and

(*b*) limit the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons when hired in the cantonment for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours :

XIV of 1879.

Ben. Act II of 1891.

Mad. Act III of 1879.

Provided that no bye-law made under this section by the cantonment committee of a cantonment in which the Hackney Carriage Act, 1879, or Bengal Act V of 1866 (*an Act to make better provision for the regulation of hackney carriages and palankeens in the town and suburbs of Calcutta*), or the Calcutta Hackney Carriage Act, 1891, or the Madras Hackney Carriage Act, 1879, or Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*) is in force, shall apply to any vehicle to which any of those Acts applies.

Feeding animals on filth, etc.

170. No person holding a license under section 167 for keeping for profit milch cattle or milch goats, or pigs or any other animal which may be used for human consumption, shall allow the same—

(*a*) to be fed upon refuse or any filthy or deleterious substance ; or

(*b*) to graze in any place in which grazing has for sanitary reasons been prohibited by public notice issued by the cantonment authority.

Adulteration of milk.

171. No dairyman holding a license under section 167 shall mix water with, or otherwise adulterate, any milk intended for sale.

Adulteration of butter.

172. No butterman holding a license under section 167 shall adulterate any butter intended for sale.

Selling food or drink unfit for human consumption.

173. No person holding a license under section 167 shall sell any article of food or drink for human consumption which is unfit for that purpose.

Power to remove brothels and prostitutes.

174. (*1*) The cantonment authority may, by notice in writing, prohibit—

(*a*) the keeping of a brothel, or

(*b*) the residence of a public prostitute,

in the cantonment or in any specified part thereof.

(*2*) Whoever fails to comply with a notice issued under sub-section (*1*), shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

Exclusion of public prostitutes from regimental bazars.

175. No public prostitute shall be permitted to reside within the limits of any regimental bazar situate in the cantonment.

Power to suspend or withdraw license.

176. (*1*) Where any person, holding a license under section 167 or section 169, commits a breach of any of the provisions of sections 168, 170, 171, 172 and 173, the cantonment authority may, in addition to any punishment which may be inflicted under this Code, by order in writing, suspend the license for any reasonable time to be specified in the order, or withdraw the same.

(*2*) No person who has obtained a license under this Chapter for carrying on a trade, calling or occupation in any part of the cantonment, shall carry on such trade, calling or occupation in that part while such license is suspended or after the same has been withdrawn.

CHAPTER XI.

PREVENTION AND TREATMENT OF DISEASE.

Infectious or Contagious Disorders.

Information to be given of existence of infectious or contagious disorder.

177. Whoever,—

(*a*) being a medical practitioner and in the course of practice becoming cognizant

of the existence of any infectious or contagious disorder in any dwelling, other than a public hospital or dispensary, in the cantonment or its neighbourhood; or,

(*b*) in default of such medical practitioner, being the owner or occupier of such dwelling and being cognizant of the existence of any infectious or contagious disorder therein; or,

(*c*) in default of such owner or occupier, being the person in charge of, or in attendance on, any person suffering from any infectious or contagious disorder in such dwelling and being cognizant of the existence of the disorder therein;

fails to give information or gives false information to the cantonment authority respecting the existence of such disorder, shall be punishable with fine which may extend to fifty rupees:

Provided that a person not required by this section to give information in the first instance, but only in default of some other person, shall not be punishable if it is shown that he had reasonable cause to suppose that the information had been, or would be, duly given:

Provided, also, that this section shall not apply to venereal disease where the person suffering therefrom is under specific and adequate medical treatment, and, by reason of habits, conditions of life and residence, is unlikely to spread the disease.

Explanation.—In this section, the expression "infectious or contagious disorder" includes venereal disease.

Special measures on outbreak of infectious or contagious disorder among inhabitants or epidemic disease among cattle.

178. (*1*) In the event of the cantonment being at any time visited or threatened by an outbreak of any infectious or contagious disorder among the inhabitants thereof, or of any epidemic disease among the cattle, sheep or goats therein, the General Officer of the Command, if he thinks that the provisions of this Code or of any law at the time in force are insufficient for the purpose, may, with the previous sanction of the Local Government,—

(*a*) take such special measures, and,

(*b*) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he thinks necessary to prevent the outbreak of the disorder or disease or the spread thereof.

(*2*) Whoever commits a breach of any temporary regulation prescribed under sub-section (*1*), shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code. XLV of 1860.

Power to require names of dairyman's customers.

179. Where it is certified to the Cantonment Magistrate by a medical practitioner that the outbreak or spread of any infectious or contagious disorder is, in the opinion of such medical practitioner, attributable to the milk supplied by any dairyman, the Cantonment Magistrate may, by notice in writing, require the dairyman, within a time to be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers within the cantonment, or to give him such information as will enable him to trace the persons to whom the dairyman has sold milk.

Power to require names of washerman's customers.

180. Where it is certified to the Cantonment Magistrate by the Sanitary Officer that it is desirable with a view to prevent the spread of any infectious or contagious disorder, that the Sanitary Officer should be furnished with a list of the customers of any washerman, the Cantonment Magistrate may, by notice in writing, require the washerman, within a time to be specified in the notice, to furnish the Sanitary Officer with a full and complete list of the names and addresses of all owners within the cantonment of clothes and other articles for whom the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

Report after inspection of dairy or washerman's place of business.

181. Where, after inspection, the Sanitary Officer is of opinion that any infectious or contagious disorder is caused, or is likely to arise, from the consumption of the milk supplied from a dairy, or from the washing of soiled clothes or other articles in any place, or from any process employed by a washerman, he shall report the matter to the Cantonment Magistrate.

Action on report submitted under section 181.

182. Upon receipt of a report submitted under section 181, the Cantonment Magistrate may, by notice in writing,—

(*a*) prohibit the person in charge of the dairy from supplying milk therefrom until the notice has been withdrawn; or, as the case may be,

(*b*) prohibit the washerman from washing soiled clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner or washes by such process as the Cantonment Magistrate may direct in the notice.

Examination of milk or washed clothes.

183. The Sanitary Officer, or any Medical Officer of the Government appointed by him in this behalf, may take possession of any milk, clothes or other articles which are, or have recently been, in the possession of any dairyman or washerman on whom a notice under section 179 or section 180 has been served, and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the cantonment authority shall pay from the cantonment fund all the costs of the process, and shall also pay to the owner of the milk, clothes or other articles such sum as compensation for any loss occasioned by such process as may in the circumstances appear to it to be reasonable.

Contamination of public conveyances.

184. Whoever—

(*a*) enters a public conveyance while suffering from an infectious or contagious

disorder which would be likely to be communicated to other persons using the conveyance; or

(*b*) uses a public conveyance for the carriage of a person who is suffering from any such disorder; or

(*c*) uses a public conveyance for the carriage of the corpse of a person who has died from any such disorder;

shall be bound to notify the fact to the driver and to report to the Cantonment Magistrate the number of the conveyance and the name of the driver.

Disinfection of public conveyances.

185. Where any person suffering, or the corpse of any person who has died, from an infectious or contagious disorder, has been carried in a public conveyance, the driver shall forthwith report the fact to the officer in charge of the nearest police-station in the cantonment, and that officer shall forthwith cause the conveyance to be disinfected, if that has not already been done.

Disinfection of building or articles therein, or renewal of flooring.

186. Where the Cantonment Magistrate is, upon the advice of the Sanitary Officer, of opinion that the cleansing or disinfecting of any building or part of a building, or of any articles therein likely to retain infection, or the renewal of the flooring of any building or part of a building, would tend to prevent or check the spread of any infectious or contagious disorder, he may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, or to renew the said flooring, within a time to be specified in the notice:

Provided that, where, in the opinion of the Cantonment Magistrate, the owner or occupier is, from poverty or any other cause, unable effectually to carry out any such requisition, the Cantonment Magistrate may, at the expense of the cantonment fund, cleanse or disinfect the building or part, or any articles therein likely to retain infection, or renew the said flooring.

Destruction of infected hut or shed.

187. Where the destruction of any hut or shed is, in the opinion of the cantonment authority, necessary to prevent the spread of any infectious or contagious disorder, the cantonment authority may, by notice in writing, require the owner, within a time to be specified in the notice, to destroy the hut or shed and the materials thereof:

Provided that the cantonment authority shall pay to the owner such sum as may in the circumstances appear to it to be equitable for any loss incurred by reason of the destruction of such hut, shed or materials.

Temporary shelter while building is being disinfected or when infected hut is destroyed.

188. The cantonment authority shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or contagious disorder has appeared, who have been compelled to leave their dwellings, by reason of any proceedings taken under section 186 or section 187 and desire such shelter or accommodation as aforesaid to be provided for them.

Disinfection of building and articles therein before letting the building.

189. Whoever lets a building or part of a building in which any person has, within the six weeks immediately preceding, been suffering from an infectious or contagious disorder, shall, before letting the building or part, disinfect the same, in such manner as the cantonment authority may, by public or special notice, direct, together with all articles therein liable to retain infection.

Explanation.—For the purposes of this section, the keeper of a sarai shall be deemed to let part of a building to any person who is admitted as a guest into the sarai.

Disposal of infected article without disinfection.

190. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he has reason to know has been exposed to contamination by any infectious or contagious disorder.

Disposal of infectious matter.

191. The cantonment authority shall, by public notice, prescribe the manner in which infectious excreta and other matter is to be dealt with or disposed of.

Making or selling of food, etc., or washing of clothes, by infected person.

192. Whoever, while suffering from an infectious or contagious disorder,—

(*a*) makes or offers for sale any article of food or drink for human consumption, or any medicine or drug; or

(*b*) takes any part in the business of washing or carrying soiled clothes;

shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Power to prohibit the making, carrying or selling of clothes, bedding or other articles by infected person.

193. The cantonment authority may, by notice in writing, prohibit any person, while suffering from, or likely to spread, any infectious or contagious disorder, from making, carrying or offering for sale, or from taking any part in the business of making, carrying or offering for sale, any article of clothing or bedding, or anything for use in the making of clothing or bedding, or any other article for personal wear or use which may be specified in the notice.

Power to restrict or prohibit sale of specified articles of food or drink, on outbreak of infectious or contagious disorder.

194. When any cantonment is visited or threatened by an outbreak of any infectious or contagious disorder, the cantonment authority may, on the advice of the District Magistrate and the Sanitary Officer, by public notice, restrict in such manner, or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or drink for human

consumption specified in the notice or the sale of the flesh of any description of animal specified in the notice.

Disposal of infected corpse.

195. Where any person has died from any infectious or contagious disorder, the Cantonment Magistrate may, by notice in writing,—

(*a*) require any person having charge of the corpse—

(i) to bury, burn or otherwise dispose of the same according to the custom of the class to which the deceased belonged, forthwith or within any period, not being less than twenty-four hours after death, to be specified in the notice, or

(ii) to convey the same to a mortuary, thereafter to be disposed of in accordance with law; or

(*b*) prohibit the removal of the corpse from the place where death occurred, except for the purpose of being buried, burnt or otherwise disposed of as aforesaid or of being conveyed to a mortuary.

Hospitals and Dispensaries.

Maintenance or aiding of hospitals and dispensaries.

196. (*1*) So far as the funds at its disposal permit, the cantonment authority may—

(*a*) provide and maintain, either within or without the cantonment, as many hospitals or dispensaries as may be necessary; or

(*b*) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary, whether within or without the cantonment, not maintained by it.

(*2*) Every hospital or dispensary maintained or aided under sub-section (*1*) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious disorders.

Explanation.—In this section, the expression "infectious or contagious disorder" includes venereal disease.

Medical Officer to be in charge of hospital or dispensary.

197. A Medical Officer, to be appointed in such manner as the Local Government may direct, shall be in charge of every hospital or dispensary maintained or aided under section 196.

Subordinate establishments for hospitals or dispensaries.

198. Subject to the control over the cantonment fund which is vested in the Local Government by section 23 of the Cantonments Act, 1889, there shall be appointed, for every hospital or dispensary maintained or aided under section 196, such subordinate establishment as may be necessary.

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Medical supplies, appliances, etc.

199. So far as the funds at its disposal permit, the cantonment authority shall cause every hospital or dispensary maintained or aided under section 196 to be provided with—

(*a*) all requisite drugs, instruments, apparatus, furniture and appliances;

(*b*) sufficient cots, bedding and clothing for in-patients; and

(*c*) such further requisites as may be necessary.

Application of civil hospital rules.

200. Every hospital or dispensary maintained or aided under section 196, shall be maintained in accordance with the rules made, generally or specially, by the Governor General in Council or the Local Government for the conduct of hospitals and dispensaries, or in accordance with the said rules modified in such manner as the Governor General in Council or the Local Government may think fit.

Free patients.

201. At every hospital or dispensary maintained or aided under section 196 the sick poor of the cantonment, persons in the cantonment suffering from infectious or contagious disorders, and, with the sanction of the cantonment authority, any other sick persons, may receive medical treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, should the Medical Officer in charge so direct, granted subsistence allowance on a scale to be determined by the cantonment authority:

Provided that the subsistence allowance granted as aforesaid shall not be less than the lowest allowance for the time being fixed for the subsistence of judgment-debtors by the Local Government under section 338 of the Code of Civil Procedure. XIV of 1

Explanation.—In this section, the expression "infectious or contagious disorder" includes venereal disease.

Paying patients.

202. Any sick person who is ineligible under section 201 to receive medical treatment free of cost in any hospital or dispensary maintained or aided under section 196, may, upon such terms as the cantonment authority thinks fit to impose, be admitted to treatment in such hospital or dispensary.

Power to call upon person suffering from infectious or contagious disorder to attend at, and remain in, hospital or dispensary.

203. If the Medical Officer in charge of a hospital or dispensary maintained or aided under section 196 has *primâ facie* grounds for believing that any person living in the cantonment is suffering from an infectious or contagious disorder, he may, by notice in writing in the form set forth in Schedule II or in any similar form, call upon such person to attend at the hospital or dispensary at a time to be specified in the notice, and not to quit it without the permission of the Medical Officer in charge, unless and until such Medical Officer is satisfied, by examination (if

necessary), that such person is not in fact suffering, or is no longer suffering, from such disorder:

Provided that, if, having regard to the nature of the disorder, or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the Medical Officer considers the attendance of such person at the hospital or dispensary inexpedient, he may dispense with such attendance and take such measures or give such directions as he may think fit and proper.

Explanation.—In this section, the expression "infectious or contagious disorder" includes venereal disease.

Power to exclude from cantonment persons refusing to attend at or remain in hospital or dispensary.

204. (*1*) If the Medical Officer in charge of a hospital or dispensary maintained or aided under section 196 reports in writing to the Commanding Officer of the cantonment that any person, having received a notice as provided by section 203, has refused or omitted to attend at the hospital or dispensary, or that such person, having attended at the hospital or dispensary, has quitted it without the permission of such Medical Officer, the Commanding Officer of the cantonment may, if he thinks fit, by order in writing, direct such person to remove from the cantonment within twenty-four hours, and prohibit him from remaining longer in, or re-entering, it without his permission in writing.

(*2*) Whoever, having been prohibited under sub-section (*1*) from remaining in or re-entering the cantonment, fails to remove from or re-enters it without the permission in writing of the Commanding Officer of the cantonment, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

Introducing liquor or drug into hospital or dispensary.

205. No spirituous or fermented liquor or intoxicating drug or preparation shall be introduced into a hospital or dispensary maintained or aided under section 196 without the permission of the Medical Officer in charge.

Cholera hospitals and camps in cantonments.

206. (*1*) No land in the cantonment shall be selected for use as a cholera hospital or cholera camp without giving the Cantonment Magistrate and the Sanitary Officer an opportunity of stating their opinions upon the proposed selection.

(*2*) Where any land in the cantonment is used as aforesaid, it shall be ploughed up as soon as practicable after it has ceased to be so used,

Pilgrims.

Routes for pilgrims and others.

207. (*1*) The cantonment authority may provide or prescribe suitable routes for the use of persons passing through the cantonment—

(*a*) on their way to or from fairs or places of pilgrimage or other places of public resort; or

(*b*) during times when an infectious or contagious disorder is prevalent;

and may, by public notice, require such persons as aforesaid to use such routes and no others.

(*2*) All routes provided or prescribed under sub-section (*1*) shall be clearly and sufficiently indicated by the cantonment authority.

CHAPTER XII.

SUPPRESSION OF MENDICANCY AND LOITERING AND REMOVAL OF DISORDERLY PERSONS.

Mendicancy.

Mendicancy.

208. No mendicant shall, in any street or public place in the cantonment, loiter or beg for alms.

Loitering and Importuning.

Loitering or importuning for sexual immorality.

209. Whoever, in any street or public place in the cantonment, loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees:

Provided that no person shall be charged with a breach of the provisions of this section except on the complaint of the person importuned, or of an officer, as defined in the Cantonments Act, 1889, in whose presence the breach was committed, or of a member of the British military police-force employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, in whose presence the breach was committed. XIII of 1

Removal of Disorderly Persons.

Removal and exclusion from cantonment of disorderly persons, etc.

210. (*1*) The Cantonment Magistrate may, on receiving information that any person, whether resident in or frequenting the cantonment,—

(*a*) is a disorderly person keeping or frequenting a common gaming-house, a disorderly drinking-shop or a disorderly house of any other description, or

(*b*) has been convicted more than once, either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Indian Penal Code, or XLV of 1

(*c*) has been convicted, either within the cantonment or elsewhere, of any offence punishable under section 156 of the Army Act, or

44 & 45 Vict., c. 58.

(*d*) has been ordered, under Chapter VIII of the Code of Criminal Procedure, 1898, either within the cantonment or elsewhere, to execute a bond for his good behaviour,

V of 1898.

may make an order in writing, setting forth the substance of the information received, and issue a summons requiring the person to show cause why he should not be required to remove from the cantonment and be prohibited from re-entering it.

(*2*) Every summons issued under sub-section (*1*) shall be accompanied by a copy of such order as aforesaid, and the copy shall be delivered by the officer serving the summons to the person served with the same.

(*3*) The Cantonment Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received, and take such further evidence as he thinks fit, and, if, upon such inquiry, it appears to him to be necessary for the maintenance of good order that the person should be required to remove from the cantonment and be prohibited from re-entering it, the Cantonment Magistrate shall report the matter to the Commanding Officer of the cantonment and, if the Commanding Officer of the Cantonment so directs, shall issue a notice in writing requiring the person to remove from the cantonment within a time to be specified in the notice and prohibiting him from re-entering it without the permission in writing of the Commanding Officer of the cantonment.

General power of removal and exclusion from cantonment.

211. (*1*) The Commanding Officer of the cantonment, if he thinks it expedient to exclude any person from the cantonment, whether with or without assigning any reason therefor, shall send to the Cantonment Magistrate an order in writing to that effect, and the Cantonment Magistrate shall cause a copy of the order to be served on the person, together with a notice in writing requiring him to remove from the cantonment within a time to be specified in the notice and prohibiting him from re-entering it without the permission in writing of the Commanding Officer of the cantonment:

Provided that no such order as aforesaid shall be made—

(*a*) where the only reason for making it is that the person—

(i) is disorderly, or

(ii) has been convicted of an offence punishable under Chapter XVII of the Indian Penal Code or section 156 of the Army Act, or

XLV of 1860. 44 & 45 Vict., c. 58.

(iii) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1898, to execute a bond for his good behaviour; or

V of 1898.

(*b*) unless the Commanding Officer of the cantonment thinks that the presence of the person in the cantonment is dangerous to good order or military discipline.

(*2*) A copy of every order made under sub-section (*1*) shall forthwith be sent by the Commanding Officer of the cantonment to the General Officer of the Command.

Harbouring or concealing person ordered to remove from and prohibited from re-entering a cantonment.

212. Whoever, knowing that any person has, under section 210 or section 211, been required to remove from the cantonment and has not obtained the requisite permission to re-enter it, harbours or conceals such person in the cantonment, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

CHAPTER XIII.

CARE OF ANIMALS.

Prevention of Cruelty.

Cruelty to animals.

213. Whoever ill-uses, tortures or cruelly beats any animal in the cantonment, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Extension of the Prevention of Cruelty to Animals Act, 1890, to cantonments.

214. (*1*) Unless the General Officer of the Command concurs with the cantonment authority in thinking that there is some special reason to the contrary, the cantonment authority shall apply to the Local Government to extend the Prevention of Cruelty to Animals Act, 1890, to the cantonment. XI of 1890.

(*2*) In making an application under sub-section (*1*) the cantonment authority shall, unless there is some special reason to the contrary, suggest that the place appointed to be an infirmary under section 6, sub-section (*2*), of the said Act shall be the pound (if any) established for the cantonment under the Cattle-trespass Act, 1871. I of 1871.

(*3*) Where the Prevention of Cruelty to Animals Act, 1890, has been extended to any cantonment, the provisions of section 213 of this Code shall cease to have effect therein.

Grazing.

Animals grazing to be kept under proper care and control.

215. Every owner, or the person in charge, of an animal grazing on any land belonging to the Government in the cantonment shall be bound to keep it under proper care and control.

Impounding of animals grazing without being under proper care or control.

216. (*1*) Where any animal is found grazing on land belonging to the Government in the cantonment without being under proper care or control, it

may be seized by any servant of the cantonment authority and sent within twenty-four hours to the nearest pound established under section 4 of the Cattle-trespass Act, 1871.

of 1871.

(2) Every animal so sent to the pound shall be dealt with as if it had been impounded under the provisions of the said Act, and the provisions of the said Act shall apply thereto.

(3) Every member of the police-force employed in the cantonment shall, when required, aid in preventing resistance to any such seizure as aforesaid and rescues from persons making such seizures.

Person taking delivery of animal from pound to state names of owner and person who had charge of the animal at time of seizure.

of 1871.

217. (1) Whoever takes delivery of any animal impounded from the pound-keeper (if any) appointed under section 6 of the Cattle-trespass Act, 1871, shall inform the pound-keeper of the name of the owner of the animal and the name of the person who had charge of the same at the time of its seizure.

(2) Whoever refuses to give the pound-keeper the information required by this rule, or wilfully gives him false information, shall be punishable with fine which may extend to fifty rupees.

CHAPTER XIV.

Prevention of Fire.

Stacking or collecting inflammable materials, or building matted structures in cantonment.

218. (1) No person shall, in any place in the cantonment within one hundred yards of a public building or building having a thatched roof, or in any other place in which the collection or placing of highly inflammable materials may be prohibited by public notice issued by the cantonment authority,—

(a) stack or collect dry grass, straw or any other highly inflammable material, or

(b) build a matted structure or a cooking-place.

(2) The cantonment authority may, by notice in writing, require any person who has stacked or collected any grass, straw or other highly inflammable material, or has built a matted structure or a cooking-place, in contravention of the provisions of sub-section (1), to remove such stack, collection or structure as aforesaid within a time to be specified in the notice

Letting-off fire-works, sending up fire-balloons, or lighting bonfire, without permission.

219. No person shall, without the general or special permission of the cantonment authority, let off rockets or fire-works of any description, send up a fire-balloon or light a bonfire.

Setting naked light on or near building.

220. No person shall set a naked light on or near any building in any street or public place in the cantonment in such manner as to cause danger of fire:

Provided that this prohibition shall not extend to the use of lights, with the permission in writing of the cantonment authority, for purposes of illumination on the occasion of a festival or public or private entertainment.

CHAPTER XV.

Registration of Births and Deaths.

Registers of births and deaths to be maintained.

221. (1) The Cantonment Magistrate shall maintain registers, in such forms as may be prescribed by the Local Government, of all births and deaths occurring in the cantonment.

(2) No charge shall be made for the registration of any birth or death under this Chapter.

Duty of head of house or family to report birth therein.

222. The head for the time being of every house or family in which any birth occurs, shall, within eight days after the event, report the same to the Cantonment Magistrate, together with the following particulars, namely :—

(a) the date of the birth, and the sex and name (if any), of the child;

(b) the name, place of residence and occupation, and the caste or religion (if any), of the father, if the person making the report is willing to furnish these particulars; and

(c) the name and place of residence of the person making the report.

Duty of head of house or family to report death therein.

223. The head for the time being of every house or family in which any death occurs, shall, within twenty-four hours after the event, report the same to the Cantonment Magistrate, together with the following particulars, namely :—

(a) the date of the death, the sex, name, age and occupation, and the caste or religion (if any), of the deceased, the cause of death, and the place of residence of the deceased at the time of death;

(b) the name of the father, or, if the deceased was a married woman, the name of her husband, if the person making the report is willing to furnish these particulars; and

(c) the name and place of residence of the person making the report.

Duty of Medical Officers to report births and deaths.

224. It shall be the duty of every Medical Officer of the Government to report to the Cantonment Magistrate, as soon as practicable after the event, every birth and death occurring in the cantonment of which he may become cognizant in the exercise of his profession.

Penalty.

225. Whoever fails to comply with the provisions of section 222 or section 223, shall be punishable with fine which may extend to five rupees.

CHAPTER XVI.

APPOINTMENT OF AGENTS BY ABSENTEE OWNERS.

226. (1) Whoever, being the owner of any building or land in the cantonment, is absent therefrom, shall appoint some person residing in or near the cantonment to act as his agent for all the purposes of the Cantonments Act, 1889, and of this Code, and shall notify such appointment to the Cantonment Magistrate.

Duty of absentee owner to appoint agent.

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(2) Whoever fails to appoint an agent as required by sub-section (1), shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

227. (1) Where any person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under any of the provisions of this Code, be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds sufficient for the purpose belonging to the owner.

Relief to agents and trustees.

(2) The burden of proof of the facts entitling an agent or trustee to relief under sub-section (1) shall lie on him.

(3) Where any agent or trustee has claimed and established his right to relief under this section, the cantonment authority may, by notice in writing, require him to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf, or for the use, of the owner; and, on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

CHAPTER XVII.

INSPECTION, ENTRY, SEARCH AND ARREST.

Inspection, Entry and Search.

228. The General Officer of the Command, the Officer Commanding the District or the District Magistrate may enter into or on, and inspect, any building or land, if it appears to him to be necessary to do so in order to the exercise of any power conferred upon him by this Code.

Entry and inspection by the General Officer of the Command, the Officer Commanding the District or the District Magistrate.

229. The cantonment authority, by itself or by any person generally or specially authorized by it in this behalf, may—

Entry and inspection by, or by the authority of, the cantonment authority.

(a) enter into, or on, any building or land for the purpose of—

(i) removing any buildings or materials, or altering any building, in pursuance of a notice issued by the cantonment authority in accordance with the conditions of a lease executed under section 259; or

(ii) resuming any land in pursuance of a notice issued by the Local Government in accordance with the conditions of a lease executed as aforesaid; or

(iii) performing any act authorized by any of the provisions of sections 93, 94 and 285, sub-section (1); or

(iv) making any inspection authorized by the provisions of section 81, sub-section (1); or

(b) enter into and inspect any place which is, or may recently have been, used as a burial or burning ground, if it appears to the cantonment authority to be desirable to do so in order to the carrying out of any of the provisions of this Code; or

(c) enter into, or on, and inspect, any building or land in, on, or with respect to, which the cantonment authority has reason to believe—

(i) that a breach of any of the provisions of this Code has been committed; or

(ii) that any notice issued under this Code has not been duly complied with; or

(iii) that any conditions imposed under this Code have not been duly observed; or

(iv) that any notice should be issued under this Code; or

(v) that any conditions should be imposed under the provisions of section 109, sub-section (2), section 143, sub-section (2), or section 168.

230. The Sanitary Officer, by himself or by any Medical Officer of the Government specially deputed by him by an order in writing in this behalf, may—

Entry, inspection and search by, or by the authority of, the Sanitary Officer.

(a) enter into or on any building or land for the purpose of inspecting any receptacles or places provided under section 74 for the temporary deposit of offensive matter and rubbish; or

(b) enter into, and inspect, any dairy, or any place at which a washerman washes or keeps clothes or other articles in the course of his business, if it appears to the Sanitary Officer to be necessary to do so in order to the prevention of the spread of any infectious or contagious disorder; or

(c) enter into or on, and inspect, any building or land in or on which the Sanitary Officer has reason to believe that there is, or has recently been, any person suffering, or the corpse of any person who has died, from any infectious or contagious disorder, and search for infected persons, corpses or articles therein or thereon; or

(d) enter into or on any building or land in or on which the Sanitary Officer has reason to believe that there is any public

conveyance which has been used for the carriage of a person suffering, or the corpse of a person who has died, from any infectious or contagious disorder, and which has not been disinfected ; or

(*e*) enter into or on, and inspect, any building or land in, on or with respect to which the Sanitary Officer has reason to believe—

(i) that any such nuisance as is described in section 66, clause (*d*), clause (*e*), clause (*o*) or clause (*p*), has been committed, or

(ii) that a breach of any of the provisions of sections 105, 121, 127, 145 to 149, 156, 170 to 173 and 192 has been committed, or

(iii) that any notice issued under section 186, section 191 or section 193 has not been duly complied with, or

(iv) that any conditions imposed under section 143, sub-section (*2*), or section 168, and affecting sanitation or hygiene, have not been duly observed, or

(v) that the cantonment authority should be moved to issue a notice under section 76, 79, 80, 82, 83, 84, 99, 101, 102, 154, 155, 157, 160, 162, 164, 187 or 194, or to take any action under section 81, sub-section (*1*) ; or

(*f*) enter into and inspect any private slaughter-house, or any structure therein, for the purpose of assisting the Cantonment Magistrate in determining whether a license should be issued under section 124; or

(*g*) enter on and inspect any land which is proposed to use as a burial or burning ground, for the purpose of ascertaining whether any such permission as is referred to in section 143, sub-section (*1*), should be given ; or

(*h*) enter into or on, and inspect, any building or land for the purpose or advising the cantonment authority as to the conditions which should be imposed under section 168 in any license which it is proposed to grant under section 167; or

(*i*) enter into or on, and inspect, any building or land in or on which the Sanitary Officer has reason to believe that there is any animal or flesh which has been brought into the cantonment in contravention of section 132, and search for such animal or flesh; or

(*j*) enter into or on, and inspect, any building or land, for the purpose of—

(i) ascertaining whether the General Officer of the Command should be moved to take any action under section 178, sub-section (*1*), or

(ii) advising the cantonment authority whether any, and, if so, what, directions should be issued under section 89, sub-section (*1*), clause (*b*), clause (*c*) or clause (*d*) ; or

(*k*) enter into or on, and inspect, any building or land with respect to which the Sanitary Officer has reason to believe that the Cantonment Authority should be moved to issue a notice under section 77, section 83, section 84 or section 95.

Entry, inspection and search by, or by the authority of, the Cantonment Magistrate.

231. The Cantonment Magistrate, by himself or by any person generally or specially authorized by him in this behalf, may—

(*a*) enter into or on, and inspect, any building or land for the purpose of—

(i) inquiring into occupation, ownership, agency, rights or any other matter required to be entered in any of the registers maintained under sections 266, 267 and 268, or

(ii) performing the duties imposed on the Cantonment Magistrate by section 17, sub-section (*2*), section 68, section 71, or section 76, clause (*c*), sub-clause (i), or

(iii) determining whether a license should be issued under section 114 or section 124, or

(iv) ascertaining whether a notice should be issued under section 182 or section 186, or

(v) cleansing or disinfecting a building or any articles therein, or renewing flooring in pursuance of the proviso to section 186 ; or

(*b*) enter into or on, and inspect, any building or land in or on which the Cantonment Magistrate has reason to believe that there is the corpse of any person who has died from an infectious or contagious disorder, and search for such corpse ; or

(*c*) enter into and inspect any building which is being used, or is intended to be used, as a theatre or place of public entertaiment or resort or any structure therein, for the purpose of enquiring into and testing the safety of such building or structure ; or

(*d*) enter into or on, and inspect, any building or land in or on which the Cantonment Magistrate has reason to believe that there is any animal or flesh which has been brought into the cantonment in contravention of section 132, and search for such animal or flesh ; or

(*e*) enter any building in order to enforce its surrender in pursuance of the conditions of a lease executed under section 259.

Entry into, and inspection of, markets by Sanitary Officer or Cantonment Magistrate.

232. The Cantonment Magistrate or the Sanitary Officer may enter into any market, or any structure therein, and inspect the same or any article therein, in the performance of the duty imposed upon him by section 112.

Entry by public conservancy establishments.

233. Where the cantonment authority has, under section 78, sub-section (*1*), provided for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any privy, drain, cesspool or other receptacle for offen-

sive matter pertaining to any building or land, the persons employed by it to perform such duties may enter into or on the building or land for the purpose of performing their duties.

234. (*1*) Every entry made under any of the foregoing sections 228 to 232 shall be made between sunrise and sunset :

Time of entry.

Provided that, if in any such case the authority empowered by any of the said sections to make or authorize an entry thinks it necessary, in the interests of the public health or safety, that entry should be made at any other time, he or it may, for reasons to be recorded in writing, make such entry, or authorize it to be made, at any reasonable time between sunset and sunrise.

(*2*) Any entry made under section 233 may be made at any reasonable time.

235. When any building used as a human dwelling is entered under this Chapter, due regard shall be paid to the social and religious sentiments of the occupiers; and no apartment in the actual occupancy of a woman shall be entered under this Chapter until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

Precautions to be observed in entering dwelling.

236. Every entry and inspection made under section 229, clause (*b*), shall be made under such arrangements as shall ensure due regard for the religious feelings of the community concerned.

Precautions to be observed in entering and inspecting burial or burning ground.

Arrest without Warrant.

237. Any member of the police-force employed in the cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Code specified in the first column of Schedule III :

Arrest by police without warrant.

Provided, first, that in the case of the breach of any such provision as is specified in Part B of the said schedule, no person shall be so arrested whose name and address are known to either the complainant or the arresting officer :

Provided, secondly, that no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer :

Provided, thirdly, that no person so arrested shall be detained after his name and address have been ascertained :

Provided, fourthly, that no person so arrested shall, except under the order of a Magistrate, be detained longer than may be necessary for bringing him before a Magistrate : and

Provided, fifthly, that no person shall be so arrested for a breach of the provisions of section 209, except—

(*a*) at the request of the person importuned or of an officer, as defined in the Cantonments Act, 1889, in whose presence the breach was committed ; or

XIII of 1889.

(*b*) by, or at the request of, a member of the British military police-force employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, in whose presence the breach was committed.

CHAPTER XVIII.

Service of Summonses, Notices, etc.

238. (*1*) Unless it is in this Code in any case otherwise expressly provided, any summons, notice, requisition or other document issued thereunder may be served by being delivered to the person to whom it is addressed, or by being left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed on some conspicuous part of his usual place of abode or business.

Service of summonses, notices, requisitions and other documents.

(*2*) Where the usual place of abode or business of the person to whom the summons, notice, requisition or document is addressed, is not in the cantonment, it may be served by posting it in a registered cover addressed to his usual place of abode or business.

(*3*) Where the usual place of abode or business of the owner of any property is not known, any such summons, notice, requisition or document addressed to him as such owner may be served on the occupier.

(*4*) Where the usual place of abode or business of the occupier of any property is not known, any such summons, notice, requisition or document addressed to him as such occupier may be served by affixing it on some conspicuous part of the property.

239. The service of a summons, notice, requisition or other document as aforesaid on any agent appointed by an absentee owner shall be deemed to be service on the owner.

Service on agent of absentee owner.

CHAPTER XIX.

Appeal and Revision.

240. (*1*) Any person aggrieved by any of the executive orders described in the second column of Schedule IV may appeal to the authority specified in that behalf in the third column of the said schedule.

Appeals from executive orders when allowed and to whom to lie.

(*2*) No such appeal shall be admitted unless made within the period specified in that behalf in the fourth column of the said schedule.

(*3*) The period specified as aforesaid as the time allowed for making an appeal shall be computed in accordance with the provisions of the Indian Limitation Act, 1877, with respect to the computation of the period of limitation thereunder. XV of 1877.

241. (*1*) Every appeal under this Code shall be made by petition in writing, accompanied by a copy of the order appealed against.

Petition of appeal.

(*2*) Any such petition as aforesaid may be presented to the authority which made the order

appealed against; and that authority shall be bound to forward it to the appellate authority, and may attach thereto any report which it may desire to make by way of explanation.

(*3*) Where any such petition as aforesaid is presented direct to the appellate authority and an immediate order thereon is not necessary, the appellate authority may refer the petition for report to the authority which made the order appealed against.

Suspension of action pending appeal.

242. On the admission of an appeal from any order, other than an order contained in a notice issued under—

(*a*) section 76, clause (*d*), clause (*e*) or clause (*g*),

(*b*) section 77,

(*c*) section 83,

(*d*) section 93,

(*e*) section 155,

(*f*) section 157, clause (*a*),

(*g*) section 204, sub-section (*1*),

(*h*) section 210, sub-section (*3*), or

(*i*) section 211,

all proceedings to enforce the order and all prosecutions for any breach thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

Review.

243. (*1*) Where an appeal from an order made by the Cantonment Magistrate dismissing, under section 21, a servant of the cantonment authority whose salary is not less than one hundred rupees a month, has been disposed of by the General Officer of the Command, the servant so dismissed, if he is dissatisfied with the decision of the General Officer of the Command, may, within thirty days from the date thereof, apply to the Governor General in Council for a review of that decision.

(*2*) Where an appeal from an order made by the cantonment authority has been disposed of by the District Magistrate, the cantonment authority, if it is dissatisfied with the decision of the District Magistrate, may, within thirty days from the date thereof, apply, through the General Officer of the Command, to the Local Government, or to such authority as the Local Government may appoint in this behalf, for a review of that decision.

(*3*) The provisions of this Chapter with respect to appeals shall apply, so far as may be, to applications for review made under this section.

Finality of appellate orders.

244. Save as otherwise provided in section 243, the order of the appellate authority confirming, setting aside or modifying an order appealed against shall be final:

Provided that no order shall be confirmed, set aside or modified on appeal unless and until the appellant has had a reasonable opportunity of being heard.

CHAPTER XX.

COMMITTEES OF ARBITRATION.

Obligation of Commanding Officer of cantonment to convene a committee of arbitration to decide question as to rent or repairs.

245. On a requisition being made to him under Condition XVIII or Condition XIX set forth in a lease executed under section 259 in Form B in Schedule V, within the period mentioned in such Condition, the Commanding Officer of the cantonment shall forthwith proceed to convene a committee of arbitration—

(*a*) to determine the amount of monthly rent to be paid; or

(*b*) to determine whether any, and, if so, what, repairs are necessary, and the extent to which they are necessary.

Discretion of Commanding Officer of cantonment to convene a committee of arbitration to decide question as to condition of house or as to rent or repairs.

246. (*1*) On an application being made to him under Condition XX or Condition XXI set forth in a lease executed under section 259 in Form B in Schedule V, the Commanding Officer of the cantonment may, after such inquiry as he may think fit to make, proceed to convene a committee of arbitration—

(*a*) to determine whether the house has become unfit for occupation; or

(*b*) to determine the amount of monthly rent to be paid; or

(*c*) to determine whether any, and, if so, what, repairs are necessary, and the extent to which they are necessary; or

(*d*) otherwise to determine the question in dispute.

(*2*) In the exercise of the discretion vested in him by this section, the Commanding Officer of the cantonment may refuse to convene a committee of arbitration on the ground that the application therefor is groundless or frivolous, or for any other sufficient reason.

Obligation of Commanding Officer of cantonment to convene a committee of arbitration to determine amount of compensation payable.

247. Where the cantonment authority and the person or persons concerned are unable to agree as to the amount of any compensation payable under the first proviso to section 81, sub-section (*3*), or under proviso (*c*) to section 101, sub-section (*1*), the Commanding Officer of the cantonment shall proceed to convene a committee of arbitration to determine the amount payable.

Procedure for convening committee of arbitration.

248. (*1*) Where a committee of arbitration is to be convened, the Commanding Officer of the cantonment shall cause an order to be published in Station Orders, stating the matter to be determined by the committee of arbitration.

(*2*) The Cantonment Magistrate shall send a copy of the order published under sub-section (*1*) to the District Magistrate and to the parties concerned, and shall, by notice in writing, require the parties to nominate members of the committee of arbitration as hereinafter provided.

Composition of committee of arbitration convened under section 245 or 246.

249. Every committee of arbitration convened under section 245 or 246 shall consist of—

(*a*) the District Magistrate or, if it is inconvenient for him to act, some Magistrate,

being a Justice of the Peace, appointed by him to act in his stead;

(*b*) a member to be nominated by the officer concerned; and

(*c*) a member to be nominated by the lessee:

Provided that if such officer or lessee as aforesaid fails to nominate a member within seven clear days from the date on which he is called upon to do so, or if any member who has been nominated, neglects or refuses to act and such officer or lessee, as the case may be, fails to nominate, within seven clear days from the date on which he is called upon to do so, another member who is willing to act, the Commanding Officer of the cantonment shall forthwith appoint a member in the place of such nominee.

Composition of committee of arbitration convened under section 247.

250. Every committee of arbitration convened under section 247 shall consist of—

(*a*) the District Magistrate or, if it is inconvenient for him to act, some Magistrate, being a Justice of the Peace, appointed by him to act in his stead;

(*b*) a member to be nominated by the person or persons concerned; and

(*c*) a member to be nominated by the cantonment authority:

Provided that, if such person or persons concerned as aforesaid fails or fail to nominate a member within seven clear days from the date on which he or they is or are called upon to do so, or if any member who has been nominated by such person or persons, neglects or refuses to act and such person or persons fails or fail to nominate, within seven clear days from the date on which he or they is or are called upon to do so, another member who is willing to act, the Commanding Officer of the cantonment shall forthwith appoint a member in the place of such nominee.

Members of committee of arbitration to be persons who are not personally interested, and whose services are immediately available.

251. No person shall be nominated or appointed a member of a committee of arbitration unless he is personally disinterested in the matter under reference and his services are immediately available for the purposes of the arbitration; and the nomination of any person who is, in the opinion of the Commanding Officer of the cantonment, personally interested in the matter under reference, or whose services are not immediately available as aforesaid, shall be deemed to constitute a failure to make a nomination within the meaning of the foregoing provisions.

Assembly of committee of arbitration.

252. When a committee of arbitration has been duly constituted, the Cantonment Magistrate shall, by notice in writing, inform each of the members of the fact, and the committee of arbitration shall assemble within seven clear days from the service of the notice.

Chairman of committee of arbitration.

253. The District Magistrate or the Magistrate appointed by him to act in his stead shall be the chairman of every committee of arbitration.

Calculation of rent by committee of arbitration.

254. For the purpose of determining the amount of monthly rent to be paid for a house, every committee of arbitration shall estimate, as nearly as may be, the market-value of all buildings and authorized additions; and the amount of rent determined upon shall be such percentage on such market-value as the committee of arbitration may think reasonable with reference to the circumstances of the neighbourhood and the period of time and season for which the house is likely to be occupied during the year, and shall include the taxes (if any) levied upon the land, or such proportion thereof as the committee of arbitration may find to be customarily paid for the time being in the neighbourhood by tenants.

Decision of committee of arbitration to be by vote and final.

255. (*1*) The decision of every committee of arbitration shall be determined by the majority of the votes taken at a meeting at which all the members are present.

(*2*) The decision of every committee of arbitration shall be final.

CHAPTER XXI.

APPLICATIONS FOR BUILDING-SITES ON GOVERNMENT LAND IN CANTONMENTS.

Applications for permission to occupy Government land for building-sites.

256. Every application for permission to occupy, for the purposes of a building-site, land belonging to the Government in a cantonment shall be submitted to the Cantonment Magistrate in writing, and shall contain the following particulars, namely:—

(*a*) the situation, area and boundaries of the land;

(*b*) the materials to be used in the intended buildings;

(*c*) the period after the date of occupation within which the intended buildings are to be completed; and

(*d*) the purposes for which the land and the intended buildings are to be used.

Documents to accompany applications.

257. Every application made under section 256 shall be accompanied by—

(*a*) a plan, on a scale of fifty feet to the inch, showing—

(*i*) the boundaries of the land,

(*ii*) the roads or lands adjoining, and

(*iii*) all buildings intended to be erected on the land;

(*b*) a ground plan and elevation of the principal building intended to be erected, showing the dimensions of the same;

(*c*) a statement of the buildings intended to be erected;

(*d*) an approximate statement of the intended outlay on the buildings and of the rent which it is proposed to charge for the same, if let to a tenant; and

(*e*) a declaration that the applicant has read the appropriate form of lease referred to in section 259 and undertakes, in the event of his application being sanctioned, to execute a lease in that form.

Disposal of such applications.

258. (*1*) Every application made under section 256 shall, if the procedure prescribed by that section and section 257 has been duly observed, be referred by the Cantonment Magistrate to the Executive Engineer—

(*a*) for verification of the plan referred to in section 257, clause (*a*); and

(*b*) for report as to whether the land is in the vicinity of a fortified place, whether the land is, in the opinion of the Executive Engineer, likely to be required for any public purpose, and whether there is any departmental objection to the application being sanctioned.

(*2*) On receipt of such verification and report as aforesaid, the application shall be submitted to the Commanding Officer of the cantonment.

(*3*) Where the land is not situate in a bazar, if the Commanding Officer of the cantonment considers that its occupation in the manner proposed would not be objectionable, either as regards the health or comfort of the troops or in any other respect, he shall attach to the application a certificate to that effect, and shall forward the application to the General Officer of the Command:

Provided that, where the Commanding Officer of the cantonment is not the Officer Commanding the District, the application shall be forwarded to the Officer Commanding the District, who shall, unless he considers that the occupation of the land in the manner proposed would be objectionable as aforesaid, forward the application to the General Officer of the Command.

(*4*) Where the land is situate in a bazar and there is a cantonment committee, if the Commanding Officer of the cantonment considers that the occupation of the land in the manner proposed would not be objectionable as aforesaid, he shall attach to the application a certificate to that effect, and shall forward the application to the cantonment committee.

(*5*) The General Officer of the Command, the Commanding Officer of the cantonment or the cantonment committee, as the case may be, may sanction or reject the application, according as he or it may think fit:

Provided, first, that, if the land is in the vicinity of a fortified place or is applied for by a railway-company, the application shall not be sanctioned without the express orders of the Governor General in Council, obtained through such channel as the Governor General in Council may direct: and

Provided, secondly, that if the land is applied for for the purpose of erecting a hospital, school or other public building, or if it is intended to set apart for occupation by civil officers the house to be erected on the land, the application shall not be sanctioned without the concurrence of the Local Government.

Execution of lease, with site-plan annexed.

259. (*1*) When an application under this Chapter is sanctioned, the applicant, before using or occupying the land or erecting any building thereon, shall duly execute a lease in one of the forms indicated in Schedule V and subject to the conditions set forth in the annexure to such form, or in such other form as the Governor General in Council may, by notification, prescribe, and shall register the lease under the law for the time being in force relating to the registration of documents.

Explanation.—Form A in Schedule V shall be applicable to leases of land applied for by a railway company, or for the purpose of erecting a hospital, school or other public building, and to leases of land situate in a bazar. Form B shall be applicable to all other leases of land under this Chapter.

(*2*) There shall be appended to the lease a site-plan of the land, on a scale of fifty feet to the inch, showing—

(*a*) the boundaries of the land;

(*b*) the roads or lands adjoining; and

(*c*) all buildings authorized to be erected on the land.

(*3*) The site-plan shall be verified by the Executive Engineer, and shall be signed,—

(*a*) if the land is situate in a bazar, by the Cantonment Magistrate;

(*b*) if the land is not situate in a bazar, by the Officer Commanding the District or his principal staff officer,

and shall be indorsed with the date of its preparation, the name of the lessee, and a note specifying the period within which the buildings to be erected on the land are to be completed.

(*4*) Two copies of the site-plan, prepared at the cost of the lessee and verified by the Executive Engineer, shall be delivered by the lessee to the Cantonment Magistrate.

Record of copies of leases and site-plans.

260. (*1*) The Cantonment Magistrate shall cause to be prepared, and shall authenticate with his signature, two copies of every lease executed under this Chapter.

(*2*) The Cantonment Magistrate shall—

(*a*) record in his office one of the said copies of every such lease as aforesaid and one of the copies of every site-plan delivered to him by the lessee under the terms thereof; and

(*b*) forward the other copies of every such lease and site-plan as aforesaid to the head-quarters of the Command for record.

CHAPTER XXII.

REGISTRATION OF IMMOVEABLE PROPERTY IN CANTONMENTS.

General plan.

261. The cantonment authority shall prepare and maintain a general plan of the cantonment, on a scale of twenty-four inches to the mile, showing all necessary details and distinguishing in particular—

(*a*) all houses (if any) which have been set apart, in accordance with the conditions of leases executed under section 259, for occupation by civil officers; and

(*b*) all land (if any) which does not belong to the Government, and all houses (if any) situate thereon.

Bazar plan.

262. The cantonment authority shall also prepare and maintain a bazar plan, on a scale of fifty feet to the inch, of every bazar in the cantonment.

Sites and streets to be distinguished.

263. (*1*) Every site shall be shown under a distinguishing number on the plans prepared under this Chapter, and the numbers for each bazar shall form a separate series.

(*2*) Every street shall be shown on such plans as aforesaid by its name or under an alphabetical letter or number.

Dating and authentication of plans.

264. (*1*) Every plan prepared under this Chapter shall, on completion, be dated and authenticated by the signature of the Executive Engineer.

(*2*) Whenever a general plan prepared under section 261 is altered, the alteration shall be explained on the plan in a memorandum dated and signed by the Executive Engineer.

Plans not to be destroyed without sanction.

265. No plan which relates to land in a cantonment and is in the custody of the cantonment authority or of any public officer, other than a plan submitted with an application under Chapter XXI, shall be destroyed without the previous sanction of the Governor General in Council.

Register of Government land held by lessees outside bazars.

266. The Cantonment Magistrate shall maintain a register showing, in regard to all Government land held by lessees and not situate in a bazar (whether the sites were occupied by the lessees before or after the commencement of this Code) and the buildings situate thereon, the following particulars, so far as they can be ascertained, namely :—

(*a*) the name of the cantonment, and the number and date of any orders declaring it to be a cantonment or defining its limits;

(*b*) a reference to any similar register kept before the commencement of this Code;

(*c*) the date of registry of the site;

(*d*) the number of the site, as shown on the general plan maintained under section 261;

(*e*) the dimensions of the site;

(*f*) the boundaries of the site;

(*g*) in the case of a site occupied before the commencement of this Code, the date of the permission to occupy the site, and, in the case of a site occupied after the commencement of this Code, the date of the lease executed by the lessee under section 259;

(*h*) the name and description of the lessee at the date of registry;

(*i*) the name and description of the lessee's agent (if any) at the date of registry;

(*j*) the nature of the lessee's right under this Code, or under any other provision of law, including the particulars of any special right of occupancy;

(*k*) the estimated value of buildings on the site at the date of registry;

(*l*) the dates of authorities to add to buildings; and

(*m*) all changes occurring from time to time, whether by transfer, by alterations or additions, by decisions of committees of arbitration, in dimensions, in value, or in agency.

Explanation.—In this section, the expression "date of registry" means the date of entry in the register maintained hereunder.

Register of Government land held by lessees in bazars.

267. The Cantonment Magistrate shall maintain a register showing, in regard to all Government land held by lessees and situate in a bazar (whether the sites were occupied by the lessees before or after the commencement of this Code) and the buildings situate thereon, the following particulars, so far as they can be ascertained, namely—

(*a*) the name of the bazar;

(*b*) a reference to any similar register kept before the commencement of this Code;

(*c*) the date of registry of the site;

(*d*) the number of the site, as shewn on the bazar plan maintained under section 262;

(*e*) the dimensions of the site;

(*f*) the boundaries of the site;

(*g*) in the case of a site occupied before the commencement of this Code, the date of the permission to occupy the site, and, in the case of a site occupied after the commencement of this Code, the date of the lease executed by the lessee under section 259;

(*h*) the name and description of the lessee at the date of registry;

(*i*) the name and description of the lessee's agent (if any) at the date of registry;

(*j*) the estimated value of buildings on the site at the date of registry; and

(*k*) all changes occurring from time to time, whether by transfer, by alterations

or additions, in dimensions, in value, or in agency.

Explanation.—In this section, the expression "date of registry" means the date of entry in the register maintained hereunder.

268. The Cantonment Magistrate shall maintain a register showing, in regard to all land (if any) which is private property, and the buildings situate thereon, the following particulars, so far as they can be ascertained, namely:—

Register of private land.

(*a*) the name of the cantonment, and the number and date of any orders declaring it to be a cantonment or defining its limits;

(*b*) a reference to any similar register kept before the commencement of this Code;

(*c*) the date of registry of the site;

(*d*) the number of the site as shown on the general plan;

(*e*) the dimensions of the site;

(*f*) the boundaries of the site;

(*g*) the name and description of the owner at the date of registry;

(*h*) the name and description of the owner's agent (if any) at the date of registry;

(*i*) the particulars of the owner's right by reference to any acknowledgment by the Government, or any other proof;

(*j*) the estimated value of buildings on the site at the date of registry; and

(*k*) all changes occurring from time to time, whether by transfer, by alterations or additions, in dimensions, in value or in agency.

Explanation.—In this section the expression "date of registry" means the date of entry in the register maintained hereunder.

269. (*1*) The Cantonment Magistrate shall maintain a register of transfers, in which he shall from time to time enter references to all transfers of immoveable property—

Register of transfers.

(*a*) registered in his own office, where he is himself Registrar or Sub-Registrar of the cantonment under the Indian Registration Act, 1877, or

III of 1877.

(*b*) appearing in the copies forwarded to him by the Registrar of the district under section 32, sub-section (*2*), of the Cantonments Act, 1889,

XIII of 1889.

as the case may be.

(*2*) The register of transfers shall contain the following particulars, namely:—

(*a*) a serial number for each transfer;

(*b*) the date of registry;

(*c*) the distinguishing number of the site, as recorded in the register maintained under section 266, 267 or 268, as the case may be;

(*d*) the name of the transferor;

(*e*) the name of the transferee;

(*f*) the nature of the transfer, that is to say, whether by sale, mortgage, gift, exchange or bequest;

(*g*) the date of the transfer; and,

(*h*) where the cantonment has been constituted a district or sub-district for the purposes of the Indian Registration Act, 1877, references to the Indexes Nos. I, II and III kept in the cantonment under sections 54 and 55 of that Act.

III of 1877.

Explanation.—In this section the expression "date of registry" means the date of entry in the register mantained hereunder.

270. Reference, when possible, to the serial number in the register of transfers shall be sufficient record, in the registers maintained under sections 266, 267 and 268, respectively, of changes occurring by transfer.

Reference, in other registers, to the register of transfers.

271. (*1*) The cantonment authority shall, in the month of July in each year, make an inspection of the registers maintained under sections 266, 267 and 268, respectively and shall ascertain—

Annual inspection of registers.

(*a*) whether all the changes referred to in section 266, clause (*m*), or in section 268, clause (*k*), which have taken place during the last preceding twelve months, have been duly noted in the appropriate register, and

(*b*) whether any of the said registers are in such a condition as to require renewal.

(*2*) The cantonment authority may give such directions as it thinks fit after making an inspection under sub-section (*1*); and shall send a brief report to the Officer Commanding the District of any action taken by it under this section.

CHAPTER XXIII.

SUPPLEMENTAL.

Bye-laws.

272. The cantonment committee (if any) of a cantonment wholly or in part situated in a hilly tract may, at a meeting of which at least six clear days' notice shall have been given, make bye-laws for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the cantonment committee to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of land-slips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones.

Additional power of cantonment committee to make bye-laws in hill cantonments.

273. (*1*) In making a bye-law under section 169 or section 272, the cantonment committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and,

Penalty for infringement of bye-laws.

in the case of a continuing breach, with a further fine not exceeding five rupees for every day after the first in regard to which the offender is convicted of having persisted in the breach.

(2) In lieu of or in addition to such fine as aforesaid, the Magistrate may require the offender to remedy the mischief so far as it lies within his power to do so.

Confirmation of bye-laws.

274. (1) No bye-law made under section 169 or section 272 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

(2) The Local Government may cancel its confirmation of any such bye-law, and thereupon the same shall cease to have effect.

Procedure in making bye-laws.

275 (1) The cantonment committee shall, before making any bye-laws under section 169 or section 272, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed bye-laws, with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making such bye-laws, consider any objection or any suggestion which may be received from any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether or not the draft shall be re-published for further criticism under this section.

(3) Every bye-law made by the cantonment committee shall be notified in English and in such other language or languages as the Local Government may direct; and such notification shall be conclusive proof that such bye-law has been duly made in accordance with the requirements of this section.

Delegation of Functions.

Delegation of functions of Cantonment Magistrate.

276. (1) With the previous sanction of the Governor General in Council, the Local Government may, by order published in the local official Gazette, authorize any person mentioned in such order to discharge any of the functions imposed by this Code on the Cantonment Magistrate, except those imposed by Chapter XXI:

Provided, first, that a person so authorized shall discharge such of the said functions only as the Cantonment Magistrate may, by order in writing, assign to him; and

Provided, secondly, that the Cantonment Magistrate may, by a like order, resume any functions which he may have so assigned.

(2) In the discharge of any functions so assigned to him, such person as aforesaid shall, under the control of the Cantonment Magistrate, have the same powers and responsibilities as the Cantonment Magistrate.

Delegation of functions of General Officer of the Command.

277. With the previous sanction of the Governor General in Council, the General Officer of the Command may, by notification in Command Orders, delegate any of his functions under this Code to any officer named in such notification; and may, in like manner, vary or rescind any notification so made.

Delegation of cantonment committee's functions to sub-committees.

278. (1) The cantonment committee may, by order in writing, delegate any of its functions to a sub-committee consisting of any two or more of the members of the cantonment committee.

(2) Every order passed by a sub-committee appointed under sub section (1) shall have the same effect as an order of the cantonment committee:

Provided that the cantonment committee may, in any particular case, require that any order so passed be submitted to it for confirmation before issue.

Notices.

Notices to fix reasonable time for doing act required.

279. Where any notice issued under any section of this Code requires an act to be done for which no time is fixed by such section, the notice shall specify a reasonable time for doing the same; and it shall rest with the Court to determine whether the time so specified was a reasonable time within the meaning of this section.

Notices to whom to be given.

280. Where it is provided by this Code that a notice may be given to the owner, lessee or occupier of any land or building, and the owner or lessee and the occupier are different persons, the notice shall be given to the one of them primarily liable to comply with such notice, and, in case of doubt, to both of them:

Provided that, where there is no owner or lessee resident in the cantonment, the delivery of the notice to the occupier shall be sufficient.

Authentication and validity of notices issued by cantonment authority.

281 Every notice issued by the cantonment authority under this Code shall be signed—

(a) by the President or Secretary of the cantonment committee (if any); or

(b) by the members of any sub-committee specially authorized by the cantonment committee (if any) in this behalf; or,

(c) if a cantonment committee has not been constituted or has ceased to exist or cannot be convened, by the Commanding Officer of the cantonment.

Publication of public notices.

282. (1) Unless it is in this Code in any case otherwise expressly provided, every public notice issued thereunder shall be published by proclamation or in such other manner as the Local Government may direct.

(2) Such proclamation as aforesaid shall be made by such method as the authority issuing the notice, or the Cantonment Magistrate, may deem to be the customary method.

Penalties and Prosecutions.

Penalties.

283. (1) Whoever, in any case in which a penalty is not expressly provided elsewhere in this Code, fails to comply with any notice thereunder or otherwise commits a breach of any of the provisions thereof, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and, in the case of a continuing breach, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the breach.

(2) In lieu of, or in addition to, any fine imposed under this Code, the Court may require the offender to remedy, so far as it lies within his power to do so, any mischief in respect of which the fine is imposed.

Limitation of prosecutions.

284. No person shall be liable to punishment for a breach of any of the provisions of this Code, unless complaint of the breach is made within three months after the commission thereof before a Magistrate having jurisdiction to entertain the complaint.

Miscellaneous.

Execution in case of failure and recovery of cost thereof.

285 (1) Where any person fails to perform any act which he has, by a notice issued under this Code, been required to perform, the cantonment authority may cause the act to be performed and may recover the cost from him.

(2) Any moneys recoverable by the cantonment authority under sub-section (1) may be recovered either by suit or, on application to a Magistrate having jurisdiction in the cantonment, by distress or sale of the moveable property of the person from whom the money is recoverable, and, if recoverable from the owner of property, shall, until it is paid, be a charge on the property.

Verification of weights and measures.

286. (1) The cantonment authority shall maintain such standards as it thinks fit for the purpose of verifying weights and measures, and shall provide proper means—

(a) for verifying weights and measures in use in the cantonment by comparison with such standards as aforesaid, and

(b) for stamping weights and measures so verified.

(2) The cantonment authority may, by public notice, fix the times and places at which a servant of the cantonment authority shall attend for the purpose of such verification as aforesaid.

Compensation for damage resulting from exercise of powers under this Code.

287. (1) The cantonment authority may, in any case not otherwise provided for, make compensation out of the cantonment fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the cantonment authority, its officers and servants, by this Code, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) Where any dispute arises touching the amount of any compensation which the cantonment authority is required as aforesaid to pay for injury to any building or land, the matter shall be referred to, and decided by, a committee of arbitration constituted under Chapter XX.

Powers to be exercisable from time to time.

288. Every power conferred by this Code on the General Officer of the Command, the Officer Commanding the District, the cantonment authority, the Sanitary Officer or the Cantonment Magistrate may be exercised from time to time as occasion requires.

Method of framing notifications.

289. Where a notification under the Cantonments Act, 1889, or under this Code has been published at length in the official Gazette or in Station or Command Orders, it shall be sufficient, in any subsequent notification to the same effect in such Gazette or Orders as aforesaid, to refer to the number, date and subject of the previous notification. XIII of 1889.

Validity of notices and other documents.

290. No notice, order, requisition, license, permission in writing or other such document issued under this Code shall be invalid merely by reason of any defect of form.

Vacancies and irregularities not to invalidate proceedings.

291. No act done, or proceeding taken, under this Code shall be questioned merely by reason of the existence of any vacancy in the cantonment committee or in any sub-committee, or on account of any defect or irregularity not affecting the merits of the case.

Rules and bye-laws to be available for inspection and purchase.

292. (1) A copy of this Code and of any bye-laws made under section 169 or section 272 shall be kept at the office of the cantonment authority, and shall be open during office hours to the inspection, free of charge, of any inhabitant of the cantonment.

(2) Copies of this Code, including any such bye-laws as aforesaid, shall be kept at the office of the cantonment authority for sale to the public.

SCHEDULE I.

(See Chapter IV.)

FORM 1.

Register of Receipts into the__________ Cantonment Fund.

Date.	No. of Counter-foil receipt.	From whom received.	MAJOR HEAD. Minor heads and sub-heads.		MAJOR HEAD. Minor heads and sub-heads.				Total of each receipt.	Daily total carried to Cash Book.
		Budget Estimate ...								
		Total for the month...								
		Add total to end of last month ...								
		Total from 1st April to date ...								

FORM 2.

RECEIPT.

[To be retained in Cantonment Authority's Office.]

No.________

Dated________

Received from________

____

on account of________

____

Rs.________

[To be sent to Accountant-General with the monthly extracts from the accounts.]

No.________, dated________

Received on account of________

____

(to be classified under the head________

________)

Rs.________

*Signed*________

[To be given to the person from whom the money is received.]

No.________, dated________

Received from________

____

on account of________

____

Rs.________

*Signed*________

FORM 3.

PASS BOOK.

The ______________________ *Treasury in account current with the* ______________________ *Cantonment Fund.*

CHEQUE BOOK No.__________

ADVISED __________

Date.	No. of Chalan.	Amount.			Initials of the Officer in charge of the Treasury.	Date.	No. of Cheque.	Amount.			Initials of the Officer in charge of the Treasury.

Cheque Book No.________

Cheque No.________

Dated________

To________

____

FORM 4.

CANTONMENT FUND CHEQUE.

ONE-ANNA STAMP, *if the cheque is for an amount exceeding twenty rupees.*

*Cheque Book No.*________

Cheque No. ________

*Dated*________ *189* .

*To the Officer in charge of the Treasury at*________

*Pay to*________

Rs.________ *and charge to the*________

Cantonment Fund.

Under R

Signed ________

Secretary, Cantonment Committee,

or

President, Cantonment Committee,

or

Commanding Officer of the Cantonment.

This cheque is current for three months only.

FORM 5.

Register of payments from the______________Cantonment Fund.

Date.	No. of Voucher.	No. of cheque by which paid.	To whom paid.	Major Heads.										Total of each voucher.	Daily total carried to Cash Book.
				Minor heads and sub-heads.											
			Budget Estimate												
			Total for the month ...												
			Add total to end of last month ...												
			Total from 1st April to date ...												

FORM 6.

Imprest Register of the____________________Cantonment Fund.

AMOUNT OF IMPREST, Rs.____________

Date.	No. of Sub-voucher.	To whom paid.	Classification.		Amount.
			Major head.	Minor head and sub-head.	
		Total drawn from treasury by Cheque No.______ on Voucher No.______			

FORM 7.

Cash Book of the ______________ Cantonment Fund.

Receipts.					Payments.				
Date.	Amount as per Register of Receipts.				Date.	Amount as per Register of Payments.			
	Total of month ...					Total of month ...			
	Opening Balance ...					Closing Balance ...			
	GRAND TOTAL ...					GRAND TOTAL ...			

Form 8.

Budget Estimate of Receipts into the——Cantonment Fund for the year——dated——189—.

Heads of Receipt.	Average (past three years).	Actuals (previous year).	Estimate (current year). Original as sanctioned by the Local Government.	Estimate (current year). Revised.	Estimate (ensuing year).	Explanatory Remarks.
	Rs.	Rs.	Rs.	Rs.	Rs.	
I. Land Revenue—						
Income from Land						
II. Excise—						
License Fees and Duties						
III. Assessed Taxes—						
Taxes on Houses (a)						
Tax on Trades and Professions (b) ...						
Chaukidari Tax						
Octroi						
Miscellaneous (including Taxes on Horses and Carriages)						
Total ...						
IV. Police—						
Fees, Fines and Forfeitures						
Unclaimed Property						
Miscellaneous (including Cattle-pound Receipts)						
Total ...						
V. Minor Departments—						
Agriculture—						
Public Gardens						
Sanitation—						
Conservancy Tax and Fees ...						
Sales of Manure, etc.						
Water-Supply—						
Water Rates						
Other Receipts						
Total ...						
VI. Miscellaneous—						
Sale of Old Materials						
Contributions (c) Provincial and Local Grants.						
Contributions (c) Road Watering Subscriptions						
Rents of Houses						
Sales of Fruit, Grass, etc.						
Other Miscellaneous Receipts (Slaughter houses, Markets, etc.) to be detailed in manuscript on the back of this form ...						
Total ...						
I. Public Works—						
Tolls and Ferries						
Miscellaneous						
Total ...						
Total Receipts from local sources ...						
Grants-in-aid allotted by the General Officer of the Command, *viz.*—						
For Hospitals and Dispensaries ...						
For Conservancy						
For Sadr Bazar Establishments ...						
For Tree-tending and Forests ...						
For						
Total ...						
Opening Balance ...						
Grand Total ...						

(*a*) To include, *e.g.*, compound tax.
(*b*) To include, *e.g.*, tax on weighmen.
(*c*) Purpose of any such contribution to be stated in "Explanatory Remarks" column.

…ntonment Authority's Office; } *Secretary, Cantonment Committee.*

…*ted* 189 . }

President, Cantonment Committee,
or
Commanding Officer of the Cantonment.

Form 8.

Budget Estimate of Expenditure from the ———— Cantonment Fund for the year ———— dated ———— 189—.

Heads of Expenditure.	Average (past three years).	Actuals (previous year).	Estimate (current year). Original as sanctioned by the Local Government.	Estimate (current year). Revised.	Estimate (ensuing year).	Explanatory remarks.
	Rs.	Rs.	Rs.	Rs.	Rs.	
1. Refunds—						
Refunds of Taxes						
Miscellaneous Refunds...						
Total ...						
2. Charges for collection of Land Revenue—						
Collecting Establishment						
Contingencies						
Total ...						
3. General Administration—						
Establishment						
Contingencies						
Contributions towards establishments in Government Offices. (*a*)						
Total ...						
4. Law and Justice—Courts of Law ...						
5. Law and Justice—Jails						
6. Police—						
Establishments						
Contingencies						
Miscellaneous (including Cattle-pounds and establishments therefor).						
Total ...						
7. Education—						
Grants-in-aid to Schools						
8 Medical—						
Hospitals and Dispensaries.						
Establishment						
Contingencies						
Vaccination.						
Establishment						
Contingencies						
Total ...						
9. Minor Departments—						
Public Gardens, Tree-tending and Forests.						
Establishment						
Contingencies						
Cemeteries.						
Establishment						
Contingencies						
Conservancy.						
Establishment						
Contingencies						
Public Fairs and Exhibitions.						
Establishment						
Contingencies						
Water-supply.						
Establishment						
Contingencies						
Total ...						
10. Superannuation—						
Pensions (*b*)						
11. Miscellaneous—						
Rents, Rates and Taxes						
Petty Establishments						
Contingencies						
Total ...						
12. Public Works—						
Original Works.						
Buildings						
Roads						
Other works						
Maintenance and Repairs.						
Buildings						
Roads						
Other works						
Petty construction and repairs ...						
Total ...						
13. Deposits and Advances						
Total Expenditure						
Closing Balance						
Grand Total ...						

(*a*) In the North-Western Provinces and Oudh, contributions towards cost of office establishment of District Superintendents of Police; and in the Lower Provinces, the Treasury rate.
(*b*) Sanctioned prior to the commencement of the Cantonment Code, 1899, which does not now allow the grant of pensions or gratuities.

Cantonment Authority's Office;

Dated the 189 .

Secretary, Cantonment Committee.

President, Cantonment Committee,
or
Commanding Officer of the Cantonment.

FORM 8.—APPENDIX A.

Detailed List of Establishments provided for in the ________ Cantonment Fund Budget Estimate for the year——.

Establishments engaged in Collection of Revenue.		Establishments engaged in General Administration.		Police Establishments.		Cattle-Pound Establishments.	
Details.	Monthly cost.	Details.	Monthly cost.	Details	Monthly cost.	Details.	Monthly cost.

Hospital and Dispensary Establishments.		Vaccination Establishments.		Establishments for Public Gardens, Tree-tending and Forests.		Cemetery Establishments.	
Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly cost.

Establishments for Public Fairs and Exhibitions.		Water-supply Establishments.		Miscellaneous Petty Establishments.			
Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly cost.		

P. T. O.

FORM 8.—APPENDIX A—*concluded.*

CONSERVANCY ESTABLISHMENTS.

General Station.		Sadr Bazar.		Latrines.	
Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly co[st.]

Signed ________________

Secretary, Cantonment Committee.

Signed ________________

President, Cantonment Committee, or *Commanding Officer of the Canton[ment.]*

FORM 8.—APPENDIX B.

Detailed List of Expenditure provided for in the——Cantonment Fund Budget Estimate for the year—— other than that included in Appendices A, C and D.

1	2	3				4		
Major head.	Minor heads and sub-heads.	Details.				Total assignment in Cantonment Fund Budget Estimate.		
			Rs.	A.	P.	Rs.	A.	P.
Refunds ...	Refunds of Taxes.							
	Miscellaneous Refunds.							
Charges for Collection of Revenue.	Contingencies.							
General Administration.	Contributions towards Establishments in Government Offices.							
Law and Justice—Courts of Law.	...							
Law and Justice—Jails.	...							

P. T. O.

FORM 8.—APPENDIX B—*continued.*

1	2	3				4		
Major head.	Minor heads and sub-heads.	Details.				Total assignment in Cantonment Fund Budget Estimate.		
			Rs.	A.	P.	Rs.	A.	P.
Police ...	Contingencies.							
	Miscellaneous (including Cattle-pounds, but not Establishments therefor).							
Education ...	Grants-in-aid to schools.							
Medical ...	Hospitals and Dispensaries: Contingencies.	Fixed assignment to Cantonment Dispensary Fund.						

1	2	3				4		
Major head.	Minor heads and sub-heads.	Details.				Total assignment in Cantonment Fund Budget Estimate.		
			Rs.	A.	P.	Rs.	A.	P.
Medical ...	Vaccination: Contingencies.							
Minor Departments.	Public Gardens, Tree-tending and Forests: Contingencies.							
	Cemeteries: Contingencies.							

P. T. O.

1	2	3				4		
Major head.	Minor heads and sub-heads.	Details.				Total assignment in Cantonment Fund Budget Estimate.		
			Rs.	A.	P.	Rs.	A.	P.
Minor Departments.	Conservancy: Contingencies.							
	Public Fairs and Exhibitions: Contingencies.							
	Water-supply: Contingencies.							

P. T. O.

1	2	3				4		
Major head.	Minor heads and sub-heads.	Details.				Total assignment in Cantonment Fund Budget Estimate.		
			Rs.	A.	P.	Rs.	A.	P.
Superannuation	Pensions.*							
Miscellaneous	Rents, Rates and Taxes.							
	Contingencies.							
Deposits and Advances.	..							

Signed ____________

Secretary, Cantonment Committee.

Signed ____________

President, Cantonment Committee, or *Commanding Officer of the Cantonment.*

Note.—All expenditure should be fully detailed in column 3, thus—

	Rs.	A.	P.
Purchase of three Crowley carts	450	0	0
" of bullocks	100	0	0
Feed of ditto	168	0	0
Repairs and renewals to pans and receptacles	100	0	0
Purchase of gear	50	0	0
† Miscellaneous not included in above, but excluding any reserve	100	0	0
	968	0	0

* Sanctioned prior to the commencement of the Cantonment Code, 1899, which does not allow the grant of pensions or gratuities.
† This should include all petty expenditure which cannot be detailed, *but should not include anything of the nature of a reserve.*

FORM 8.—APPENDIX C.

Details of Budget Estimate for Original Works (construction of Buildings, Roads, Latrines, etc.) in the ______________ Cantonment for the year——.

1	2	3	4	5	6	7
Sub-heads,	Nature of each work.	Estimated cost of work.	*Estimate for current year.	Previously expended.	Estimate for (ensuing year).	REMARKS.
Buildings						
Roads						
Other works						

Note.—Column 3 will show the entire cost of the work; column 4, the sum sanctioned for expenditure during the current year; column 5, the amount previously expended since commencement of the work; and column 6 the amount proposed for expenditure during the ensuing year. Thus, if the work is to be completed during the ensuing year, the total of columns 4, 5 and 6 will equal that in column 3; otherwise the difference will show the amount which will still be required to complete the work.

* *The totals in column 4 will agree with the allotments made in the body of the revised estimate for the current year.*

Signed ______________

Secretary, Cantonment Committee.

Signed ______________

President, Cantonment Committee, or Commanding Officer of the Cantonment.

MAJOR HEAD "Public Works."

FORM 8.—APPENDIX D.

*Details of Budget Estimate for Maintenance and Repairs in the*__________________*Cantonment for the year*——.

Sub-heads.	Nature of each work.	Estimate (ensuing year).	REMARKS.
Buildings			
Roads			
Other works			
Petty Construction and Repairs...			

*Signed*__________________

Secretary, Cantonment Committee.

*Signed*__________________

President, Cantonment Committee, or *Commanding Officer of the Cantonment.*

SCHEDULE II.

(*See section 203.*)

FORM OF NOTICE TO ATTEND AT HOSPITAL, ETC.

To______________________________

Take notice that, under section 203 of the Cantonment Code, 1899, you are hereby called upon to attend at the______________________________ on________day, the______________, 18____, at________o'clock____M., and not to quit the said____________ without the permission of the Medical Officer in charge, unless and until that Officer is satisfied that you are not in fact suffering, or are no longer suffering, from an infectious or contagious disorder, that is to say, from______________________________

____

Medical Officer in charge of the

____

*Dated*____________, *the*______________, *18*—.

SCHEDULE III.

(*See section 237.*)

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT.

1 Section.	2 Subject.
PART A.	
66 (*a*) (i) ...	Drunkenness, etc.
192	Making or selling of food, etc., or washing of clothes, by infected person.
272	In contravention of bye-law, cutting or destroying trees or shrubs or making excavations, etc., in hill cantonment.
PART B.	
66 (*a*) (ii) ...	Using threatening or abusive words, etc.
66 (*a*) (iii) ...	Indecent exposure of person, etc.
66 (*a*) (iv) ...	Begging.
66 (*a*) (v) ...	Exposing deformity, etc.
66 (*a*) (vii) ...	Gaming.
66 (*a*) (xii) ...	Destroying public notice, etc.
66 (*a*) (xiii) ...	Breaking direction-post, etc.
66 (*g*)	Keeping common gaming-house, etc.
66 (*h*)	Intruding on bathing-place, etc.
66 (*i*)	Playing music.
66 (*j*)	Singing, etc., so as to disturb public peace or order.
66 (*k*)	Firing gun, or doing other act, so as to frighten animals or cause annoyance or danger.

1 Section.	2 Subject.
PART B—*contd.*	
66 (*n*)	Baiting.
87 (2)	Destroying, etc., name or street or number affixed to building.
135	Rash riding or driving.
136	Riding or driving at time or in manner prohibited.
137	Driving, etc., between nightfall and dawn without a suitable lamp.
139	Leaving vehicle or animal without proper control.
141	Obstructing street.
156	Polluting source of public drinking-water-supply.
157	Impairing quality, or diminishing quantity, of water in source of public drinking-water-supply or injuring or impairing usefulness of water-works.
158	Trespass on water-works.
161	Throwing corpse into a source of public water-supply.
165	Bathing or washing at public well or spring so as to pollute the water.
170	Feeding animal on filth, etc.
204 (2)	Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.
205	Introducing liquor or drug into hospital or dispensary.
208	Mendicancy.
209	Loitering or importuning for sexual immorality.
210 (3) ... 211 ...	Remaining in, or returning to, a cantonment after notice of expulsion.
213	Cruelty to animals.
219	Leetting off fire-works, etc., without permission.

SCHEDULE IV.

(See Chapter XIX.)

Appeals from Executive Orders.

1	2	3	4
Section.	Executive order.	Appellate authority.	Time allowed for appeal.
21	Cantonment Magistrate's order dismissing servant of cantonment authority whose salary is less than twenty-five rupees a month.	Cantonment authority.	Thirty days from date of order.
	Cantonment Magistrate's order, passed with previous sanction of cantonment authority, dismissing servant of cantonment authority whose salary is not less than one hundred rupees a month.	General Officer of the Command.	Thirty days from date of order.
76 (*g*)	Cantonment authority's notice to provide sufficient drainage.	Officer Commanding the district.	Fifteen days from service of notice.
80	Cantonment authority's notice to fill up a tank or marshy ground, or to drain off or remove waste or stagnant water.	Officer Commanding the district.	Thirty days from service of notice.
83	Cantonment authority's notice requiring a building to be repaired or altered so as to remove sanitary defects.	General Officer of the Command	Thirty days from service of notice.
89 (*1*)	Cantonment authority's refusal to sanction the erection or re-erection of a building.	Officer Commanding the district.	Thirty days from date of refusal.
89 (*3*)	Cantonment authority's notice to alter or demolish a building.	Officer Commanding the district.	Thirty days from service of notice.
92	Cantonment authority's notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, water-course or water-pipe.	Officer Commanding the district.	Thirty days from service of notice.
93	Cantonment authority's notice to repair, protect or enclose a building, well, tank, reservoir, pool, depression or excavation.	Officer Commanding the district.	Thirty days from service of notice.
94	Cantonment authority's notice to remove a building, wall or structure or anything affixed thereto, or a bank or tree, or to repair a building, wall, structure, or bank.	Officer Commanding the district.	Thirty days from service of notice.
107 (*1*)	Cantonment authority's notice to close a sarai.	District Magistrate	Thirty days from service of notice.
116 (*3*)	Cantonment authority's notice to close a market.	General Officer of the Command.	Thirty days from service of notice.

1	2	3	4
Section.	Executive order.	Appellate authority.	Time allowed for appeal.
123	Cantonment authority's notice prohibiting or restricting the use of a slaughter-house.	District Magistrate	Twenty-one days from service of notice.
204	Order of Commanding Officer of cantonment, on report of Medical Officer, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	Officer Commanding the district.	Thirty days from service of notice.
210 (3)	Cantonment Magistrate's notice directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	District Magistrate	Thirty days from service of notice.
211	Cantonment Magistrate's notice, issued on order of the Commanding Officer of cantonment, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	Officer Commanding the district.	Thirty days from service of notice.
246 (2)	Order of Commanding Officer of cantonment refusing to convene a Committee of Arbitration.	General Officer of the Command.	Thirty days from date of order.
259 and Schedule V (Conditions of Lease).	Cantonment authority's notice, in pursuance of conditions of lease, requiring a lessee to let a house, not already occupied by a military officer, to a military officer.	General Officer of the Command.	Twenty-one days from service of notice.
	Cantonment authority's notice, in pursuance of conditions of lease, requiring a lessee to let a house to a civil officer.	General Officer of the Command.	Twenty-one days from service of notice.
	Cantonment authority's notice, in pursuance of conditions of lease, requiring a tenant to vacate a house.	General Officer of the Command.	Twenty-one days from service of notice.

SCHEDULE V.

(*See section 259.*)

FORM A.

FORM OF LEASE TO BE EXECUTED IN CASES OF LAND APPLIED FOR BY A RAILWAY COMPANY OR FOR THE PURPOSE OF ERECTING A HOSPITAL, SCHOOL OR OTHER PUBLIC BUILDING, OR OF LAND SITUATE IN A BAZAR.

THIS INDENTURE, made the day of , BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter called the Secretary of State) of the one part and , son of , of , (hereinafter called the Lessee) of the other part.

WHEREAS the Lessee has applied for permission to occupy, for the purposes of a building-site, the land belonging to the Government in the Cantonment which is delineated in the site-plan hereto appended, and has submitted with his application the particulars and documents required by sections 256 and 257 of the Cantonment Code, 1899;

AND WHEREAS the said application has received the sanction of the * ;

* Insert, as the case may be "the General Officer of the Command," or, if the land is situate in a bazar, "the cantonment authority of ,"

NOW THIS INDENTURE WITNESSETH as follows:

1. The Secretary of State doth hereby grant unto the Lessee, his heirs, executors, administrators, representatives and assigns, liberty and license to enter into and upon the piece or parcel of land delineated in the site-plan hereto appended, and henceforth to occupy and enjoy the same as a site for the erection of buildings, and henceforth to hold and enjoy the same and any buildings erected by him thereon †, subject to the conditions set forth in the annexure hereto.

† Insert, as the case may be, "free of rent, but," or "subject to the payment of the yearly rent of rupees , and".

2. The Lessee doth hereby, for himself, his heirs, executors, administrators, representatives and assigns, covenant with the Secretary of State, his successors and assigns, that the Lessee, his heirs, executors, administrators, representatives and assigns, shall and will [§duly pay the said rents in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on his and their part to be observed.

§ The words in brackets to be omitted if the land is rent-free.

In witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by , Principal Staff Officer of the Command, on behalf of ,‡ acting in the premises for and on behalf of the Secretary of State for India in Council, in the presence of (Seal.)

‡ Insert, as the case may be, 'the General Officer of the Command," or, if the land is situate in a bazar, "the cantonment authority ,, of ."

Signed, sealed and delivered by the above-named , in the presence of (Seal.)

NOTE.—*Copies of this form, with the Annexure, will be obtainable gratis on application to the Cantonment Magistrate.*

ANNEXURE TO FORM A.

CONDITIONS.

CONDITION I.—*Commencement and completion of buildings.* The buildings to be erected on the land in accordance with the site-plan appended to the lease shall be commenced within six months from the execution of the lease, and shall be completed within the period specified in the note indorsed on such plan, or within such further period (if any) as the authority which sanctioned the application under Chapter XXI of the Cantonment Code, 1899, may, by order in writing, allow.

CONDITION II.—*Erection of buildings.* (*1*) Buildings may be erected on the land only in accordance with the site-plan appended to the lease or, where a proposed building, alteration or addition is not in accordance with such plan, with the written permission of the authority which sanctioned the application under Chapter XXI of the Cantonment Code, 1899.

(*2*) Any such permission may be made subject to any conditions which may be agreed upon between such authority and the Lessee.

CONDITION III.—*Use of land and maintenance of buildings.* The land shall not be used for any purposes other than those specified in the Lessee's application under section 256, clause (*d*), of the Cantonment Code, 1899: nor shall the buildings erected on the land be permitted to fall into such a state of ruin as absolutely to prevent their being used for the purposes so specified:

Provided, always, that it shall be obligatory on the Lessee to commence re-building the same, if destroyed or injured by earthquake, fire, cyclone or other act of God, within six months of such destruction or injury, and to reinstate the same fit for use for the purposes so specified as aforesaid within such period, not exceeding two years after the same shall have been so destroyed or injured, as aforesaid, as to * shall seem fit, provided nevertheless that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury.

* Insert, as the case may be "the General Officer of the Command," or, if the land is situate in a bazar, "the cantonment authority of ."

CONDITION III-A.†—The Lessee shall pay the said yearly rent of rupees by equal monthly instalments of rupees , and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding.

† This condition to be omitted, if the land is rent-free.

CONDITION IV.—*Power to veto transfer of Lessee's interest in certain cases.* (*1*) Whenever the Lessee intends to transfer, by sale, gift, mortgage or exchange, his interest in the land, or in the buildings erected on the land, or in any part of the land or buildings, he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(*2*) The General Officer of the Command shall have power, within the said period of one

month and with the concurrence of the Local Government, to impose, by order in writing, his veto on any such transfer; and, if in any case the cantonment authority considers it desirable that the said power of veto should be exercised, it shall report the case to such General Officer without delay.

(3) If notice of any such transfer is not given as aforesaid, or if any such transfer is made after the same has been vetoed, the transfer shall be void.

Report of devolution of Lessee's interest.

CONDITION V.—Every person on whom the Lessee's interest in the land, or in the buildings erected on the land, may devolve by transfer, by succession or by operation of law, shall send to the cantonment authority, within one month from the date of such devolution, a report in writing of the fact, together with such particulars as may be required by the cantonment authority for entry in the register maintained under section 266 or 267, as the case may be, of the Cantonment Code, 1899.

Procedure on breach of Condition I or Condition II.

CONDITION VI.—(1) If the Lessee does not commence or complete, as required by Condition I, the buildings to be erected on the land, the cantonment authority may, by notice in writing, require him to remove all or any buildings or materials which he may have erected or collected thereon; and, if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him, and may also cancel the lease.

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the cantonment authority may, by notice in writing, require him to remove the building or to alter the same to its satisfaction; and, if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

Forfeiture for breach of any other condition.

CONDITION VII.—(1) So long as the Lessee, his heirs, executors, administrators, representatives or assigns, shall duly [* pay the said rent of rupees and] observe the conditions hereinbefore specified, and on his part to be observed, he or they may, subject to Condition IX, hold the land for ever without interruption by the Secretary of State, his successors in office and assigns.

*The words in brackets to be omitted, if the land is rent-free.

(2) If the Lessee, his heirs, executors, administrators, representatives or assigns, shall [† fail to pay the said rent of rupees for twenty-one days after the same shall have become due or shall], in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone or other act of God, fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury and to reinstate the same fit for use as provided in the said Condition III hereof and within such period as therein provided, or shall break any of the remaining conditions hereinbefore specified, other than Condition I or Condition II, and on his or their part to be observed, the Local Government may, after giving one month's notice in writing, resume the land or any portion thereof, and may, on such resumption, declare all or any part of the right and interest of the Lessee, his heirs, executors, administrators, representatives or assigns, in the buildings erected on the land to be forfeited.

† The words in brackets to be omitted, if the land is rent-free.

Claims to compensation barred.

CONDITION VIII.—The Lessee, his heirs, executors, administrators, representatives or assigns, shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition VI or Condition VII, clause (2).

Right of the Government to resume the land on payment of compensation for buildings.

CONDITION IX.—The Local Government may resume the land or any portion thereof at any time, after giving one month's notice in writing, and on payment of compensation for such buildings standing on the land or portion thereof as shall have been erected under proper authority. If there shall be any dispute as to the amount of such compensation, the same shall be referred to a committee of arbitration, which shall be constituted as provided in Chapter XX of the Cantonment Code, 1899, and the Lessee, his heirs, executors, administrators, representatives and assigns, shall be bound by the decision of the committee of arbitration.

FORM B.

FORM OF LEASE TO BE EXECUTED IN ALL CASES OTHER THAN THOSE FOR WHICH FORM A ABOVE IS PRESCRIBED.

THIS INDENTURE, made the day of , BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter called the Secretary of State) of the one part, and ,
son of ,
of ,
(hereinafter called the Lessee) of the other part.

WHEREAS the Lessee has applied for permission to occupy, for the purposes of a building-site, the land belonging to the Government in the Cantonment which is delineated in the site-plan hereto appended, and has submitted with his application the particulars and documents required by sections 256 and 257 of the Cantonment Code, 1899;

AND WHEREAS the said application has received the sanction of the General Officer of the Command;

NOW THIS INDENTURE WITNESSETH as follows:

1. The Secretary of State doth hereby grant unto the Lessee, his heirs, executors, administrators, representatives and assigns, liberty and license to enter into and upon the piece or parcel of land delineated in the site-plan hereto appended, and to occupy the same as a site for the erection of buildings, and henceforth to hold and enjoy the same and any buildings erected by him thereon,* subject to the conditions set forth in the annexure hereto.

* Insert, as the case may be, "free of rent but", or "subject to the payment of the yearly rent of rupee and,"

2. The Lessee doth hereby, for himself, his heirs, executors, administrators, representatives and assigns, covenant with the Secretary of State, his successors and assigns, that the Lessee, his heirs, executors, administrators, representatives and assigns, shall and will duly [*pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on his and their part to be observed.

* The words in brackets to be omitted, if the land is rent-free.

In Witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by , Principal Staff Officer of the Command, on behalf of the General Officer of the said Command, acting in the premises for and on behalf of the Secretary of State for India in Council, in the presence of (Seal.)

Signed, sealed and delivered by the above-named , in the presence of . (Seal.)

NOTE.—*Copies of this form, with the Annexure, will be obtainable gratis on application to the Cantonment Magistrate.*

ANNEXURE TO FORM B.

CONDITIONS.

In these Conditions—

(*a*) "house" means the house erected on the land occupied by the Lessee, and includes the land and buildings appurtenant to the house; and, if any question arises whether any land or building is appurtenant to the house, it shall be decided by the Cantonment Magistrate, whose decision thereon shall, subject to revision by the District Magistrate, be final:

(*b*) the expression "repairs" to a house shall be deemed to include such repairs as are usually made in the neighbourhood to buildings of the same class as that to which the house belongs, but does not include additions, improvements or alterations except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the Lessee's consent:

(*c*) "military officer" means a commissioned or warrant officer of the army on military duty in the cantonment, and includes a chaplain, a Cantonment Magistrate and any person in Army departmental employment whom the General Officer of the Command may, for the purposes of these Conditions, place on the same footing as a military officer: and

(*d*) "civil officer" means a gazetted civil officer of the Government, and includes any other person in the service of the Government, not being a military officer, whom the Local Government may for the purposes of these Conditions place on the same footing as a civil officer.

CONDITION I.—The buildings to be erected on the land in accordance with the site-plan appended to the lease shall be commenced within six months from the execution of the lease, and shall be completed within the period specified in the note indorsed on such plan, or within such further period (if any) as the authority which sanctioned the application under Chapter XXI of the Cantonment Code, 1899, may, by order in writing, allow.

Commencement and completion of buildings.

CONDITION II.—(*1*) Buildings may be erected on the land only in accordance with the site-plan appended to the lease or, where a proposed building, alteration or addition is not in accordance with such plan, with the written permission of the authority which sanctioned the application under Chapter XXI of the Cantonment Code, 1899.

Erection of buildings.

(2) Any such permission may be given subject to any conditions which may be agreed upon between such Authority and the Lessee.

CONDITION III.—The land shall not be used for any purpose other than those specified in the Lessee's application under section 256, clause (*d*), of the Cantonment Code, 1899; nor shall the buildings erected on the land be permitted to fall into such a state of ruin as absolutely to prevent their being used for the purposes so specified:

Use of land and maintenance of buildings.

Provided, always, that it shall be obligatory on the Lessee to commence rebuilding the same, if destroyed or injured by earthquake, fire, cyclone or other act of God, within six months of such destruction or injury, and to reinstate the same fit for use for the purposes so specified or aforesaid within such period, not exceeding two years, after the same shall have been so destroyed or injured as aforesaid, as to the General Officer of the Command shall seem fit, provided, nevertheless, that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve months from date of such destruction or injury.

CONDITION III-A.*—The Lessee shall pay the said yearly rent of rupees by equal monthly instalments of rupees , and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding.

* This condition to be omitted, if the land is rent-free.

CONDITION IV.—(*1*) Whenever the Lessee intends to transfer, by sale, gift, mortgage or exchange, his interest in the land, or in the buildings erected on the land, or in any part of the land or buildings, he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

Power to veto transfer of Lessee's interest in certain cases.

(*2*) The General Officer of the Command shall have power, within the said period of one month, and with the concurrence of the Local Government, to impose, by order in writing, his veto on any such transfer; and, if in any case the cantonment authority considers it desirable that the said power of veto should be exercised, it shall report the case to such General Officer without delay.

(3) If notice of any such transfer is not given as aforesaid, or if any such transfer is made after the same has been vetoed, the transfer shall be void.

Report of devolution of Lessee's interest.

CONDITION V.—Every person on whom the Lessee's interest in the land, or in the buildings erected on the land, may devolve, by transfer, by succession or by operation of law, shall send to the cantonment authority, within one month from the date of such devolution, a report in writing of the fact, together with such particulars as may be required by the cantonment authority for entry in the register maintained under section 266 or section 267, as the case may be, of the Cantonment Code, 1899.

Right of the Government to appropriate the house for occupation by any military or civil officer.

CONDITION VI.—The Government reserves a right, subject to the Conditions hereinafter contained, to appropriate the house at any time for occupation by any military officer or civil officer.

Agreement to vacate to be executed when house is let to any person other than a military or civil officer.

CONDITION VII.—If the Lessee lets the house to any person other than a military officer or (if the house has been set apart in accordance with Condition X for occupation by civil officers) a civil officer, possession of the house shall not be given until—

(*a*) such person has executed a stamped agreement undertaking to vacate the house whenever required so to do in pursuance of a notice issued under Condition VIII or Condition X without claiming any compensation, and has registered such agreement under the law for the time being in force relating to the registration of documents, and

(*b*) the Lessee has forwarded an attested copy of such agreement to the cantonment authority.

Appropriation of house for a military officer, where it is not already occupied by a military officer.

CONDITION VIII.—Whenever the cantonment authority considers that the right reserved by Condition VI should be exercised in behalf of any military officer, it may, if the house is not already occupied by a military officer, and if it has not been set apart in accordance with Condition X for occupation by civil officers, by notice in writing—

(*a*) require the Lessee to let the house to the military officer named in the notice, and

(*b*) require the existing tenant (if any) to vacate the same.

Appropriation of house for a military officer, where it is occupied by another military officer.

CONDITION IX.—If the house is occupied by a departmental military officer and the cantonment authority considers that the right reserved by Condition VI should be exercised in behalf of a regimental officer, or *vice versâ*, it may, by notice in writing, require the officer in occupation to vacate the house;

and may, if necessary, by further notice in writing, require the Lessee to accept the change of tenancy.

Appropriation of house for civil officers.

CONDITION X.—(1) The cantonment authority may, at any time, with the previous sanction of the General Officer of the Command, given with the concurrence of the Local Government, set apart the house for occupation by civil officers.

(2) If the house has been so set apart, the arrangement shall not be revoked without the concurrence of the Local Government.

(3) If, while the house is so set apart, the cantonment authority at any time considers that the right reserved by Condition VI should be exercised in behalf of any civil officer, it may, if the house is not already occupied by a civil officer, by notice in writing,—

(*a*) require the Lessee to let the house to the civil officer named in the notice, and

(*b*) require the existing tenant (if any) to vacate the same.

Procedure to be observed before appropriating house.

CONDITION XI.—(1) Whenever a military officer or a civil officer considers that a notice should be issued in his behalf under Condition VIII, Condition IX or Condition X, he may request (in the case of a regimental officer) the Commanding Officer of his regiment, or (in the case of a departmental military officer) the local head of his Department, or (in the case of a civil officer) the District Magistrate, to make an application to that effect to the cantonment authority.

(2) On receipt of any such application the cantonment authority shall inquire into the case, and it shall not issue the notice unless it is satisfied—

(*a*) that the officer ought to reside in the cantonment, and

(*b*) that the circumstances are such as to require its intervention, and

(*c*) that the rent offered by the officer for the house is reasonable, and,

(*d*) if the house is vacant, that it is suitable for the residence of the officer, and,

(*e*) if the house is occupied, that it is suitable for the residence of the officer, and that there is no vacant house in the cantonment which is suitable for his residence.

Explanation.—In considering whether a house is suitable for the residence of an officer, regard shall be had to (i) the locality in which his duties chiefly lie and (ii) his rank.

Sanction to be obtained before house is occupied as a bank, hotel, shop or school, or by a railway company.

CONDITION XII.—(1) The house shall not be occupied for the purposes of a bank, hotel, shop or school, or by a railway company, without the previous sanction in writing of the General Officer of the Command, given with the concurrence of the Local Government.

(2) Before application is made for such sanction, the Commanding Officer of the cantonment shall certify whether or not in his opinion the number of houses in the cantonment, as compared with the strength of the existing or prob-

able garrison, renders it likely that such occupation as aforesaid would—

(*a*) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situate, for military officers or civil officers, or

(*b*) necessitate the acquisition of land at some future time for the extension of the cantonment.

House not to be appropriated for military or civil officer if it is occupied, with sanction, as a bank, hotel, shop or school, or by a railway company, or is otherwise appropriated by the Government.

CONDITION XIII.—No notice shall be issued under Condition VIII or Condition X if the house—

(*a*) is occupied, with the sanction required by Condition XII, as a bank, hotel, shop or school, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or

(*b*) is occupied, with the sanction aforesaid, by a railway company, or

(*c*) is appropriated by the Local Government, with the concurrence of the General Officer of the Command, or by the Governor General in Council, for use as a public office or for any other purpose.

Rent offered to be stated in notice to Lessee.

CONDITION XIV.—Every notice to the Lessee issued under Condition VIII, Condition IX or Condition X, shall state the amount of monthly rent which the proposed tenant offers to pay for the house.

Time to be allowed for giving possession of house.

CONDITION XV.—(*1*) If the house is unoccupied, any notice issued under Condition VIII or Condition X may require the Lessee to give possession of the same to the proposed tenant within four days from the service of the notice.

(*2*) If the house is occupied, no such notice as aforesaid shall require its vacation in less than thirty days from the service of the notice.

Terms of tenancy applicable to military and civil officers.

CONDITION XVI.—(*1*) Subject to the terms of any agreement in writing between the Lessee and a military officer or a civil officer, and to the terms of this condition, every lease of the house to such an officer shall be deemed to be a lease from month to month, terminable—

(*a*) without notice, in the case of the departure of the officer from the cantonment on duty or under medical certificate, or in the case of a committee of arbitration deciding that the house has become unfit for occupation, or

(*b*) by one month's notice in writing to the Lessee in any other case.

(*2*) A notice under clause (*1*) of this condition must be signed by or on behalf of the officer concerned; and the Cantonment Magistrate shall, if the officer so desires, cause it to be served on the Lessee free of charge.

(*3*) When a military officer or a civil officer has, in pursuance of clause (*1*) of this condition, given up his occupation of the house without notice, and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month:

Provided that the sum shall not, in any case, be less than one-fourth of the monthly rent.

Sub-lease voidable at option of Lessee.

CONDITION XVII.—If any tenant of the house, being a military officer or a civil officer, sub-lets the same without the consent of the Lessee, the sub-lease shall be voidable at the option of the Lessee.

Right of Lessee to require reference to arbitration on question of rent.

CONDITION XVIII.—(*1*) If the Lessee considers that any rent offered by a proposed tenant and stated in a notice in accordance with Condition XIV is insufficient, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the cantonment to a committee of arbitration.

(*2*) If the Lessee does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(*3*) After such acceptance or the decision of a committee of arbitration, the amount of such rent shall not be called in question by either party except in the circumstances mentioned in clause (*a*) of Condition XXI.

Right of Lessee to require reference to arbitration on question of repairs.

CONDITION XIX.—(*1*) If the Lessee fails to execute any repairs to the house which any tenant, being a military or civil officer, may consider necessary, the cantonment authority may, at the request of the tenant, and if it is satisfied that such repairs or any of them are necessary, by notice in writing, require the Lessee to execute such repairs or such of them as it may consider necessary, within a period, not less than fifteen days, to be specified in the notice.

(*2*) If the Lessee objects to comply with any notice issued under clause (*1*) of this condition, he may, within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the cantonment to a committee of arbitration.

Power of tenant to apply for reference to arbitration on question whether house has become unfit for occupation.

CONDITION XX.—If any tenant of the house being a military or civil officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occu-

pation, he may apply to the Commanding Officer of the cantonment to refer the matter to a committee of arbitration.

CONDITION XXI.—If the Lessee and any tenant of the house, being a military or civil officer, disagree—

Power of either Lessee or tenant to apply for reference to arbitration on other questions.

(*a*) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(*b*) on any matter relating to rent or repairs, other than a matter referred to in clause (*a*) of this condition or in Condition XVIII, Condition XIX or Condition XX,

either the lessee or the tenant may apply to the Commanding Officer of the cantonment to refer the matter to a committee of arbitration.

CONDITION XXII.—Whenever any matter is referred to a committee of arbitration in pursuance of Condition XVIII, Condition XIX, Condition XX or Condition XXI, the Committee shall be constituted as provided in Chapter XX of the Cantonment Code, 1899. and the Lessee and his tenant shall be bound by the decision of the committee.

Constitution of committee of arbitration; its decision to be binding on Lessee and his tenant.

CONDITION XXIII.—If the Lessee fails to comply with any notice issued under clause (*1*) of Condition XIX, and has not, within fifteen days from the service of such notice, required that the matter be referred to a committee of arbitration, or,

Right of tenant to execute repairs and deduct cost from rent.

if any committee of arbitration constituted under Chapter XX of the Cantonment Code, 1899, decides that repairs are necessary and the extent to which they are necessary, and the Lessee fails to execute such repairs within a period to be specified in a notice issued by the cantonment authority in that behalf,

the tenant of the house may himself cause the repairs specified in the notice to be executed at rates not exceeding those paid in the cantonment by the Military Works Department or the Public Works Department, and may deduct the cost thereof from the rent, or otherwise recover it from the Lessee.

CONDITION XXIV.—(*1*) If the Lessee does not commence or complete, as required by Condition I, the buildings to be erected on the land, the cantonment authority may, by notice in writing, require him to remove all or any buildings or materials which he may have erected or collected thereon; and, if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him, and may also cancel the lease.

Procedure on breach of Condition I or Condition II.

(*2*) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the cantonment authority may, by notice in writing, require him to remove the building or to alter the same to its satisfaction; and, if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

CONDITION XXV.—(*1*) So long as the Lessee, his heirs, executors, administrators, representatives or assigns, shall [duly pay the said rent of rupees and]* observe the conditions hereinbefore specified and on his or their part to be observed, he or they may, subject to Condition XXVII, hold the land for ever without interruption by the Secretary of State, his successors and assigns.

Forfeiture for breach of any other condition.

* The words in brackets to be omitted if the land is rent-free.

(*2*) If the Lessee, his heirs, executors, administrators, representatives or assigns, shall [fail to pay the said rent of rupees , for twenty-one days after the same shall have become due or shall],† in the event of the said buildings being destroyed or injured, by earthquake, fire, cyclone or other act of God, fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury and to reinstate the same fit for use as provided in the said Condition III hereof, and within such period as therein provided, or shall break any of the remaining conditions hereinbefore specified, other than Condition I or Condition II, and on his or their part to be observed, the Local Government may, after giving one month's notice in writing, resume the land or any portion thereof, and may, on such resumption, declare all or any part of the right and interest of the Lessee, his heirs, executors, administrators, representatives or assigns, in the buildings erected on the land to be forfeited.

† The words in brackets to be omitted if the land is rent-free.

CONDITION XXVI.—The Lessee, his heirs, executors, administrators, representatives and assigns, shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition XXIV or Condition XXV, clause (*2*).

Claims to compensation barred.

CONDITION XXVII.—The Local Government may resume the land or any portion thereof at any time after giving one month's notice in writing, and on payment of compensation for such buildings standing on the land or portion thereof as shall have been erected under proper authority. If there shall be any dispute as to the amount of such compensation, the same shall be referred to a committee of arbitration, which shall be constituted as provided in Chapter XX of the Cantonment Code, 1899, and the Lessee, his heirs, executors, administrators, representatives and assigns, shall be bound by the decision of the committee of arbitration.

Right of the Government to resume the land on payment of compensation for buildings.

P. J. MAITLAND, *Major-General*,

Secretary to the Government of India.

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TO

Punjab Government Gazette

FOR HALF YEAR ENDING

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 27th January, 1899, and is hereby promulgated for general information:—

ACT No. II OF 1899.

THE INDIAN STAMP ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

The Indian Stamp Act.

(Chapter I.—Preliminary.—Sections 1-2.)

An Act to consolidate and amend the law relating to Stamps.

WHEREAS it is expedient to consolidate and amend the law relating to Stamps; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Stamp Act, 1899.

(*2*) It extends to the whole of British India, inclusive of Upper Burma, British Baluchistan, the Santal Parganas and the Pargana of Spiti; and

(*3*) It shall come into force on the first day of July, 1899.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context—

"Banker."

(*1*) "banker" includes a bank and any person acting as a banker:

"Bill of exchange."

XXVI of 1881

(*2*) "bill of exchange" means a bill of exchange as defined by the Negotiable Instruments Act, 1881, and includes also a hundi, and any other document entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money:

"Bill of exchange payable on demand."

(*3*) "bill of exchange payable on demand" includes—

(*a*) an order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen;

(*b*) an order for the payment of any sum of money weekly, monthly, or at any other stated periods; and

(*c*) a letter of credit, that is to say, any instrument by which one person authorizes another to give credit to the person in whose favour it is drawn:

"Bill of lading."

(*4*) "bill of lading" includes a "through bill of lading," but does not include a mate's receipt:

"Bond."

(*5*) "bond" includes—

(*a*) any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be;

(*b*) any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another; and

(*c*) any instrument so attested, whereby a person obliges himself to deliver grain or other agricultural produce to another:

"Chargeable."

(*6*) "chargeable" means, as applied to an instrument executed or first executed after the commencement of this Act, chargeable under this Act, and, as applied to any other instruments chargeable under the law in force in British India when such instrument was executed or, where several persons executed the instrument at different times, first executed:

"Cheque."

(*7*) "cheque" means a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand:

"Chief Controlling Revenue-authority."

(*8*) "Chief Controlling Revenue-authority" means—

(*a*) in the Presidency of Fort St. George and the territories respectively under the administration of the Lieutenant-Governors of Bengal and the North-Western Provinces and the Chief Commissioner of Oudh—the Board of Revenue;

(*b*) in the Presidency of Bombay, outside Sindh and the limits of the town of Bombay—a Revenue Commissioner;

(*c*) in Sindh—the Commissioner;

(*d*) in the Punjab and Burma, including Upper Burma—the Financial Commissioner; and

(*e*) elsewhere—the Local Government or such officer as the Local Government may, by notification in the official Gazette, appoint in this behalf:

"Collector."

(*9*) "Collector"—

(*a*) means, within the limits of the towns of Calcutta, Madras and Bombay, the Collector of Calcutta, Madras and Bombay, respectively, and, without those limits, the Collector of a district, and

(*b*) includes a Deputy Commissioner and any officer whom the Local Government may, by notification in the official Gazette, appoint in this behalf:

"Conveyance."

(*10*) "conveyance" includes a conveyance on sale and every instrument by which property, whether moveable or immoveable, is transferred *inter vivos* and which is not otherwise specifically provided for by Schedule I:

"Duly stamped."

(*11*) "duly stamped," as applied to an instrument, means that the instrument bears an adhesive or impressed stamp of not less than the proper amount and that such stamp has been affixed or used in accordance with the law for the time being in force in British India:

The Indian Stamp Act.

(*Chapter I.—Preliminary.—Section 2.*)

"Executed" and "execution." (*12*) "executed" and "execution", used with reference to instruments, mean "signed" and "signature:"

"Impressed stamp." (*13*) "impressed stamp" includes—

(*a*) labels affixed and impressed by the proper officer, and

(*b*) stamps embossed or engraved on stamped paper:

"Instrument." (*14*) "instrument" includes every document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded:

"Instrument of partition." (*15*) "instrument of partition" means any instrument whereby co-owners of any property divide or agree to divide such property in severalty, and includes also a final order for effecting a partition passed by any Revenue-authority or any Civil Court and an award by an arbitrator directing a partition:

"Lease." (*16*) "lease" means a lease of immoveable property, and includes also—

(*a*) a pattá;

(*b*) a kabúliyat or other undertaking in writing, not being a counterpart of a lease, to cultivate, occupy, or pay or deliver rent for, immoveable property;

(*c*) any instrument by which tolls of any description are let;

(*d*) any writing on an application for a lease intended to signify that the application is granted:

"Mortgage-deed." (*17*) "mortgage-deed" includes every instrument whereby, for the purpose of securing money advanced, or to be advanced, by way of loan, or an existing or future debt, or the performance of an engagement, one person transfers, or creates, to or in favour of, another, a right over or in respect of specified property:

"Paper." (*18*) "paper" includes vellum, parchment or any other material on which an instrument may be written:

"Policy of insurance." (*19*) "policy of insurance" includes—

(*a*) any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event;

(*b*) a life-policy, and any policy insuring any person against accident or sickness, and any other personal insurance; and

(*c*) any writing evidencing the renewal of, for the purpose of keeping in force, a policy of fire-insurance in respect of which, and of the previous renewal whereof (if any), there has not already been paid the stamp-duty which would have been chargeable if the policy had originally been granted for a longer term than six months:

"Policy of sea-insurance" or "sea-policy." (*20*) "policy of sea-insurance" or "sea-policy"—

(*a*) means any insurance made upon any ship or vessel (whether for marine or inland navigation), or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description whatever on board of any ship or vessel, or upon the freight of, or any other interest which may be lawfully insured in or relating to, any ship or vessel, and

(*b*) includes any insurance of goods, merchandise or property for any transit which includes, not only a sea risk within the meaning of clause (*a*), but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance:

Where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself any risk attending goods, merchandise or property of any description whatever while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise or property from any risk, loss or damage, such agreement or engagement shall be deemed to be a contract for sea-insurance:

"Power-of-attorney." (*21*) "power-of-attorney" includes any instrument (not chargeable with a fee under the law relating to Court-fees for the time being in force) empowering a specified person to act for and in the name of the person executing it:

"Promissory note." (*22*) "promissory note" means a promissory note as defined by the Negotiable Instruments Act, 1881; XXVI of 1881.

it also includes a note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen:

"Receipt." (*23*) "receipt" includes any note, memorandum or writing—

(*a*) whereby any money, or any bill of exchange, cheque or promissory note is acknowledged to have been received, or

(*b*) whereby any other moveable property is acknowledged to have been received in satisfaction of a debt, or

(*c*) whereby any debt or demand, or any part of a debt or demand, is acknowledged to have been satisfied or discharged, or

(*d*) which signifies or imports any such acknowledgment,

and whether the same is or is not signed with the name of any person: and

"Settlement." (*24*) "settlement" means any non-testamentary disposition, in writing, of moveable or immoveable property, made—

(*a*) in consideration of marriage,

(*b*) for the purpose of distributing property of the settlor among his family or those for whom he desires to provide, or for the purpose of providing for some person dependent on him, or

(*c*) for any religious or charitable purpose:

and includes an agreement in writing to make such a disposition.

The Indian Stamp Act.

(Chapter II.—Stamp-duties.—Sections 3-8.)

CHAPTER II.

STAMP-DUTIES.

A.—Of the Liability of Instruments to Duty.

3. Subject to the provisions of this Act and the exemptions contained in Schedule I, the following instruments shall be chargeable with duty of the amount indicated in that schedule as the proper duty therefor respectively, that is to say—

Instruments chargeable with duty.

(*a*) every instrument mentioned in that schedule which, not having been previously executed by any person, is executed in British India on or after the first day of July, 1899;

(*b*) every bill of exchange, cheque or promissory note drawn or made out of British India on or after that day and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated, in British India; and

(*c*) every instrument (other than a bill of exchange, cheque or promissory note) mentioned in that schedule, which, not having been previously executed by any person, is executed out of British India on or after that day, relates to any property situate, or to any matter or thing done or to be done, in British India and is received in British India:

Provided that no duty shall be chargeable in respect of—

(*1*) any instrument executed by, or on behalf of, or in favour of, the Government in cases where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of such instrument;

(*2*) any instrument for the sale, transfer or other disposition, either absolutely or by way of mortgage or otherwise, of any ship or vessel, or any part, interest, share or property of or in any ship or vessel registered under the Merchant Shipping Act, 1894, or under Act XIX of 1838, or the Indian Registration of Ships Act, 1841, as amended by subsequent Acts.

57 & 58 Vict., c. 60. X of 1841.

4. (*1*) Where, in the case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule I, for the conveyance, mortgage or settlement, and each of the other instruments shall be chargeable with a duty of one rupee instead of the duty (if any) prescribed for it in that schedule.

Several instruments used in single transaction of sale, mortgage or settlement.

(*2*) The parties may determine for themselves which of the instruments so employed shall, for the purposes of sub-section (*1*), be deemed to be the principal instrument:

Provided that the duty chargeable on the instrument so determined shall be the highest duty which would be chargeable in respect of any of the said instruments employed.

5. Any instrument comprising or relating to several distinct matters shall be chargeable with the aggregate amount of the duties with which separate instruments, each comprising or relating to one of such matters, would be chargeable under this Act.

Instruments relating to several distinct matters.

6. Subject to the provisions of the last preceding section, an instrument so framed as to come within two or more of the descriptions in Schedule I, shall, where the duties chargeable thereunder are different, be chargeable only with the highest of such duties:

Instruments coming within several descriptions in Schedule I.

Provided that nothing in this Act contained shall render chargeable with duty exceeding one rupee a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.

7. (*1*) No contract for sea-insurance (other than such insurance as is referred to in section 506 of the Merchant Shipping Act, 1894), shall be valid unless the same is expressed in a sea-policy. 57 & 58 Vict., c. 60.

Policies of sea-insurance.

(*2*) No sea-policy made for time shall be made for any time exceeding twelve months.

(*3*) No sea-policy shall be valid unless it specifies the particular risk or adventure, or the time, for which it is made, the names of the subscribers or underwriters, and the amount or amounts insured.

(*4*) Where any sea-insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be charged with duty as a policy for or upon a voyage, and also with duty as a policy for time.

8. (*1*) Notwithstanding anything in this Act, any local authority raising a loan under the provisions of the Local Authorities Loan Act, 1879, XI of 1879. or of any other law for the time being in force, by the issue of bonds, debentures or other securities, shall, in respect of such loan, be chargeable with a duty of eight annas per centum on the total amount of the bonds, debentures or other securities issued by it, and such bonds, debentures or other securities need not be stamped and shall not be chargeable with any further duty on renewal, consolidation, sub-division or otherwise.

Bonds, debentures or other securities issued on loans under Act XI, 1879.

(*2*) The provisions of sub-section (*1*) exempting certain bonds, debentures or other

The Indian Stamp Act.

(Chapter II.—Stamp-duties.—Sections 9-14.)

securities from being stamped and from being chargeable with certain further duty shall apply to the bonds, debentures or other securities of all outstanding loans of the kind mentioned therein, and all such bonds, debentures or other securities shall be valid, whether the same are stamped or not:

Provided that nothing herein contained shall exempt the local authority which has issued such bonds, debentures or other securities from the duty chargeable in respect thereof prior to the twenty-sixth day of March, 1897, when such duty has not already been paid or remitted by order issued by the Governor General in Council.

(3) In the case of wilful neglect to pay the duty required by this section, the local authority shall be liable to forfeit to the Government a sum equal to ten per centum upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect continues.

Power to reduce, remit or compound duties.

9. The Governor General in Council may, by rule or order published in the Gazette of India,—

(a) reduce or remit, whether prospectively or retrospectively, in the whole or any part of British India, the duties with which any instruments or any particular class of instruments, or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable, and

(b) provide for the composition or consolidation of duties in the case of issues by any incorporated company or other body corporate of debentures, bonds or other marketable securities.

B.—Of Stamps and the mode of using them.

Duties how to be paid.

10. (1) Except as otherwise expressly provided in this Act, all duties with which any instruments are chargeable shall be paid, and such payment shall be indicated on such instruments, by means of stamps—

(a) according to the provisions herein contained; or,

(b) when no such provision is applicable thereto—as the Governor General in Council may by rule direct.

(2) The rules made under sub-section (1) may, among other matters, regulate,—

(a) in the case of each kind of instrument—the description of stamps which may be used;

(b) in the case of instruments stamped with impressed stamps—the number of stamps which may be used;

(c) in the case of bills of exchange or promissory notes written in any Oriental language—the size of the paper on which they are written.

Use of adhesive stamps.

11. The following instruments may be stamped with adhesive stamps, namely:—

(a) instruments chargeable with the duty of one anna, except parts of bills of exchange payable otherwise than on demand and drawn in sets;

(b) bills of exchange, cheques and promissory notes drawn or made out of British India;

(c) entry as an advocate, vakil or attorney on the roll of a High Court;

(d) notarial acts; and

(e) transfers by endorsement of shares in any incorporated company or other body corporate.

Cancellation of adhesive stamps.

12. (1) (a) Whoever affixes any adhesive stamp to any instrument chargeable with duty which has been executed by any person shall, when affixing such stamp, cancel the same so that it cannot be used again; and

(b) Whoever executes any instrument on any paper bearing an adhesive stamp shall, at the time of execution, unless such stamp has been already cancelled in manner aforesaid, cancel the same so that it cannot be used again.

(2) Any instrument bearing an adhesive stamp which has not been cancelled so that it cannot be used again, shall, so far as such stamp is concerned, be deemed to be unstamped.

(3) The person required by sub-section (1) to cancel an adhesive stamp may cancel it by writing on or across the stamp his name or initials or the name or initials of his firm with the true date of his so writing, or in any other effectual manner.

Instruments stamped with impressed stamps how to be written.

13. Every instrument written upon paper stamped with an impressed stamp shall be written in such manner that the stamp may appear on the face of the instrument and cannot be used for or applied to any other instrument.

Only one instrument to be on same stamp.

14. No second instrument chargeable with duty shall be written upon a piece of stamped paper upon which an instrument chargeable with duty has already been written:

Provided that nothing in this section shall prevent any endorsement which is duly stamped or is not chargeable with duty being made upon any instrument for the purpose of transferring

The Indian Stamp Act.

(Chapter II.—Stamp-duties.—Sections 15-24.)

any right created or evidenced thereby, or of acknowledging the receipt of any money or goods the payment or delivery of which is secured thereby.

Instrument written contrary to section 13 or 14 deemed unstamped.

15. Every instrument written in contravention of section 13 or section 14 shall be deemed to be unstamped.

Denoting duty.

16. Where the duty with which an instrument is chargeable, or its exemption from duty, depends in any manner upon the duty actually paid in respect of another instrument, the payment of such last-mentioned duty shall, if application is made in writing to the Collector for that purpose, and on production of both the instruments, be denoted upon such first-mentioned instrument by endorsement under the hand of the Collector or in such other manner (if any) as the Governor General in Council may by rule prescribe.

C.—Of the time of stamping Instruments.

Instruments executed in British India.

17. All instruments chargeable with duty and executed by any person in British India shall be stamped before or at the time of execution.

Instruments other than bills, cheques and notes executed out of British India.

18. (*1*) Every instrument chargeable with duty executed only out of British India, and not being a bill of exchange, cheque or promissory note, may be stamped within three months after it has been first received in British India.

(*2*) Where any such instrument cannot, with reference to the description of stamp prescribed therefor, be duly stamped by a private person, it may be taken within the said period of three months to the Collector, who shall stamp the same, in such manner as the Governor General in Council may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

Bills, cheques and notes drawn out of British India.

19. The first holder in British India of any bill of exchange, cheque or promissory note drawn or made out of British India shall, before he presents the same for acceptance or payment, or endorses, transfers or otherwise negotiates the same in British India, affix thereto the proper stamp and cancel the same:

Provided that,—

(*a*) if, at the time any such bill of exchange, cheque or note comes into the hands of any holder thereof in British India, the proper adhesive stamp is affixed thereto and cancelled in manner prescribed by section 12 and such holder has no reason to believe that such stamp was affixed or cancelled otherwise than by the person and at the time required by this Act, such stamp shall, so far as relates to such holder, be deemed to have been duly affixed and cancelled.

(*b*) Nothing contained in this proviso shall relieve any person from any penalty incurred by him for omitting to affix or cancel a stamp.

D.—Of Valuations for Duty.

Conversion of amount expressed in foreign currencies.

20. (*1*) Where an instrument is chargeable with *ad valorem* duty in respect of any money expressed in any currency other than that of British India, such duty shall be calculated on the value of such money in the currency of British India according to the current rate of exchange on the day of the date of the instrument.

(*2*) The Governor General in Council may, from time to time, by notification in the Gazette of India, prescribe a rate of exchange for the conversion of British or any foreign currency into the currency of British India for the purposes of calculating stamp-duty, and such rate shall be deemed to be the current rate for the purposes of sub-section (*1*).

Stock and marketable securities how to be valued.

21. Where an instrument is chargeable with *ad valorem* duty in respect of any stock or of any marketable or other security, such duty shall be calculated on the value of such stock or security according to the average price or the value thereof on the day of the date of the instrument.

Effect of statement of rate of exchange or average price.

22. Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with such statement, it shall, so far as regards the subject-matter of such statement, be presumed, until the contrary is proved, to be duly stamped.

Instruments reserving interest.

23. Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with duty higher than that with which it would have been chargeable had no mention of interest been made therein.

How transfer in consideration of debt, or subject to future payment, etc., to be charged.

24 Where any property is transferred to any person in consideration, wholly or in part, of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or incumbrance upon the property or not, such debt, money or stock

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(*Chapter II.—Stamp-duties.—Sections 25-28.*)

is to be deemed the whole or part, as the case may be, of the consideration in respect whereof the transfer is chargeable with *ad valorem* duty:

Provided that nothing in this section shall apply to any such certificate of sale as is mentioned in Article No. 18 of Schedule I.

Explanation.—In the case of a sale of property subject to a mortgage or other incumbrance, any unpaid mortgage money or money charged, together with the interest (if any) due on the same, shall be deemed to be part of the consideration for the sale:

Provided that, where property subject to a mortgage is transferred to the mortgagee, he shall be entitled to deduct from the duty payable on the transfer the amount of any duty already paid in respect of the mortgage.

Illustrations.

(1) A owes B Rs. 1,000. A sells a property to B, the consideration being Rs. 500 and the release of the previous debt of Rs. 1,000. Stamp-duty is payable on Rs. 1,500.

(2) A sells a property to B for Rs. 500 which is subject to a mortgage to C for Rs. 1,000, and unpaid interest Rs. 200. Stamp-duty is payable on Rs. 1,700.

(3) A mortgages a house of the value of Rs. 10,000 to B for Rs. 5,000. B afterwards buys the house from A. Stamp-duty is payable on Rs. 10,000 less the amount of stamp-duty already paid for the mortgage.

25. Where an instrument is executed to secure the payment of an annuity or other sum payable periodically, or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount secured by such instrument or the consideration for such conveyance, as the case may be, shall, for the purposes of this Act, be deemed to be,—

Valuation in case of annuity, etc.

(*a*) where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained—such total amount;

(*b*) where the sum is payable in perpetuity or for an indefinite time not terminable with any life in being at the date of such instrument or conveyance—the total amount which, according to the terms of such instrument or conveyance, will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due; and

(*c*) where the sum is payable for an indefinite time terminable with any life in being at the date of such instrument or conveyance—the maximum amount which will or may be payable as aforesaid during the period of twelve years calculated from the date on which the first payment becomes due.

26. Where the amount or value of the subject-matter of any instrument chargeable with *ad valorem* duty cannot be, or (in the case of an instrument executed before the commencement of this Act) could not have been, ascertained at the date of its execution or first execution, nothing shall be claimable under such instrument more than the highest amount or value for which, if stated in an instrument of the same description, the stamp actually used would, at the date of such execution, have been sufficient:

Stamp where value of subject-matter is indeterminate.

Provided that in the case of the lease of a mine in which a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such share, for the purpose of stamp-duty, at twenty thousand rupees a year, and the whole amount of such share, whatever it may be, shall be claimable under such lease:

Provided also that, where proceedings have been taken in respect of an instrument under section 31 or 41, the amount certified by the Collector shall be deemed to be the stamp actually used at the date of execution.

27. The consideration (if any) and all other facts and circumstances affecting the chargeability of any instrument with duty, or the amount of the duty with which it is chargeable, shall be fully and truly set forth therein.

Facts affecting duty to be set forth in instrument.

28. (*1*) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts by different instruments, the consideration shall be apportioned in such manner as the parties think fit, provided that a distinct consideration for each separate part is set forth in the conveyance relating thereto, and such conveyance shall be chargeable with *ad valorem* duty in respect of such distinct consideration.

Direction as to duty in case of certain conveyances.

(*2*) Where property contracted to be purchased for one consideration for the whole, by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts by separate instruments to the persons by or for whom the same was purchased, for distinct parts of the consideration, the conveyance of each separate part shall be chargeable with *ad valorem* duty in respect of the distinct part of the consideration therein specified.

The Indian Stamp Act.

(Chapter II.—Stamp-duties,—Sections 29-30.)

(*3*) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the same to any other person and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance shall be chargeable with *ad valorem* duty in respect of the consideration for the sale by the original purchaser to the sub-purchaser.

(*4*) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the whole, or any part thereof, to any other person or persons and the property is in consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with *ad valorem* duty in respect only of the consideration paid by such sub-purchaser, without regard to the amount or value of the original consideration; and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with *ad valorem* duty in respect only of the excess of the original consideration over the aggregate of the considerations paid by the sub-purchasers:

Provided that the duty on such last-mentioned conveyance shall in no case be less than one rupee.

(*5*) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with *ad valorem* duty in respect of the consideration paid by him and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the consideration obtained by such original seller, or, where such duty would exceed five rupees, with a duty of five rupees.

E.—Duty by whom payable.

Duties by whom payable.

29. In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne—

(*a*) in the case of any instrument described in any of the following Articles of Schedule I, namely:—

No. 2. (Administration Bond),
No. 6. (Agreement to mortgage),
No. 13. (Bill of Exchange),
No. 15. (Bond),
No. 16. (Bottomry Bond),
No. 26. (Customs Bond),
No. 27. (Debenture),
No. 32. (Further Charge),
No. 34. (Indemnity-Bond),
No. 40. (Mortgage Deed),
No. 49. (Promissory-Note),
No. 55. (Release),
No. 56. (Respondentia Bond),
No. 57. (Security Bond or Mortgage-Deed),
No. 58. (Settlement),
No. 62. (*a*) (Transfer of Shares in an incorporated company or other body corporate),
No. 62. (*b*) Transfer of Debentures, being marketable securities whether the debenture is liable to duty or not, except debentures provided for by section 8,
(*c*) Transfer of any interest secured by a bond, mortgage-deed or policy of insurance,—

by the person drawing, making or executing such instrument:

(*b*) in the case of a policy of insurance—by the person effecting the insurance:

(*c*) in the case of a conveyance (including a re-conveyance of mortgaged property)—by the grantee: in the case of a lease or agreement to lease—by the lessee or intended lessee:

(*d*) in the case of a counterpart of a lease—by the lessor:

(*e*) in the case of an instrument of exchange—by the parties in equal shares:

(*f*) in the case of a certificate of sale—by the purchaser of the property to which such certificate relates: and,

(*g*) in the case of an instrument of partition—by the parties thereto in proportion to their respective shares in the whole property partitioned, or, when the partition is made in execution of an order passed by a Revenue-authority or Civil Court or arbitrator, in such proportion as such authority, Court or arbitrator directs.

Obligation to give receipt in certain cases.

30. Any person receiving any money exceeding twenty rupees in amount, or any bill of exchange, cheque or promissory note for an amount exceeding twenty rupees, or receiving in satisfaction or part satisfaction of a debt any moveable property exceeding twenty rupees in value, shall, on demand by

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(Chapter III.—Adjudication as to Stamps.—Sections 31-32.—Chapter IV.—Instruments not duly stamped.—Section 33.)

the person paying or delivering such money, bill, cheque, note or property, give a duly stamped receipt for the same.

CHAPTER III.

ADJUDICATION AS TO STAMPS.

Adjudication as to proper stamp.

31. When any instrument, whether executed or not and whether previously stamped or not, is brought to the Collector, and the person bringing it applies to have the opinion of that officer as to the duty (if any) with which it is chargeable, and pays a fee of such amount (not exceeding five rupees and not less than eight annas) as the Collector may in each case direct, the Collector shall determine the duty (if any) with which, in his judgment, the instrument is chargeable.

(2) For this purpose the Collector may require to be furnished with an abstract of the instrument, and also with such affidavit or other evidence as he may deem necessary to prove that all the facts and circumstances affecting the chargeability of the instrument with duty, or the amount of the duty with which it is chargeable, are fully and truly set forth therein, and may refuse to proceed upon any such application until such abstract and evidence have been furnished accordingly:

Provided that—

(*a*) no evidence furnished in pursuance of this section shall be used against any person in any civil proceeding, except in an enquiry as to the duty with which the instrument to which it relates is chargeable; and

(*b*) every person by whom any such evidence is furnished, shall, on payment of the full duty with which the instrument to which it relates, is chargeable, be relieved from any penalty which he may have incurred under this Act by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.

Certificate by Collector.

32. (*1*) When an instrument brought to the Collector under section 31 is, in his opinion, one of a description chargeable with duty, and

(*a*) the Collector determines that it is already fully stamped, or

(*b*) the duty determined by the Collector under section 31, or such a sum as, with the duty already paid in respect of the instrument, is equal to the duty so determined, has been paid,

the Collector shall certify by endorsement on such instrument that the full duty (stating the amount) with which it is chargeable has been paid.

(*2*) When such instrument is, in his opinion, not chargeable with duty, the Collector shall certify in manner aforesaid that such instrument is not so chargeable.

(*3*) Any instrument upon which an endorsement has been made under this section, shall be deemed to be duly stamped or not chargeable with duty, as the case may be; and, if chargeable with duty, shall be receivable in evidence or otherwise, and may be acted upon and registered as if it had been originally duly stamped:

Provided that nothing in this section shall authorize the Collector to endorse—

(*a*) any instrument executed or first executed in British India and brought to him after the expiration of one month from the date of its execution or first execution, as the case may be;

(*b*) any instrument executed or first executed out of British India and brought to him after the expiration of three months after it has been first received in British India; or

(*c*) any instrument chargeable with the duty of one anna, or any bill of exchange or promissory note, when brought to him, after the drawing or execution thereof, on paper not duly stamped.

CHAPTER IV.

INSTRUMENTS NOT DULY STAMPED.

Examination and impounding of instruments.

33. (*1*) Every person having by law or consent of parties authority to receive evidence, and every person in charge of a public office, except an officer of police, before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance of his functions, shall, if it appears to him that such instrument is not duly stamped, impound the same.

(*2*) For that purpose every such person shall examine every instrument so chargeable and so produced or coming before him, in order to ascertain whether it is stamped with a stamp of the value and description required by the law in force in British India when such instrument was executed or first executed:

Provided that—

(*a*) nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do, any instrument coming before him in the course of any proceeding other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898: V of 1898.

The Indian Stamp Act.

(Chapter IV.—Instruments not duly stamped.—Sections 34-40.)

(*b*) in the case of a Judge of a High Court, the duty of examining and impounding any instrument under this section may be delegated to such officer as the Court appoints in this behalf.

(3) For the purposes of this section, in cases of doubt,—

(*a*) the Governor General in Council may determine what offices shall be deemed to be public offices, and

(*b*) the Local Government may determine who shall be deemed to be persons in charge of public offices.

Special provision as to unstamped receipts.

34. Where any receipt chargeable with a duty of one anna is tendered to or produced before any officer unstamped in the course of the audit of any public account, such officer may in his discretion, instead of impounding the instrument, require a duly stamped receipt to be substituted therefor.

Instruments not duly stamped inadmissible in evidence, etc.

35. No instrument chargeable with duty shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer, unless such instrument is duly stamped:

Provided that—

(*a*) any such instrument not being an instrument chargeable with a duty of one anna only, or a bill of exchange or promissory note, shall, subject to all just exceptions, be admitted in evidence on payment of the duty with which the same is chargeable, or, in the case of an instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty of five rupees, or, when ten times the amount of the proper duty or deficient portion thereof exceeds five rupees, of a sum equal to ten times such duty or portion;

(*b*) where any person from whom a stamped receipt could have been demanded, has given an unstamped receipt and such receipt, if stamped, would be admissible in evidence against him, then such receipt shall be admitted in evidence against him on payment of a penalty of one rupee by the person tendering it;

(*c*) where a contract or agreement of any kind is effected by correspondence consisting of two or more letters and any one of the letters bears the proper stamp, the contract or agreement shall be deemed to be duly stamped;

(*d*) nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a Criminal Court, other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898; V of 1898.

(*e*) nothing herein contained shall prevent the admission of any instrument in any Court when such instrument has been executed by or on behalf of the Government, or where it bears the certificate of the Collector as provided by section 32 or any other provision of this Act.

Admission of instrument where not to be questioned.

36. Where an instrument has been admitted in evidence, such admission shall not, except as provided in section 61, be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

Admission of improperly stamped instruments.

37. The Governor General in Council may make rules providing that, where an instrument bears a stamp of sufficient amount but of improper description, it may, on payment of the duty with which the same is chargeable, be certified to be duly stamped, and any instrument so certified shall then be deemed to have been duly stamped as from the date of its execution.

Instruments impounded how dealt with.

38. (*1*) When the person impounding an instrument under section 33 has by law or consent of parties authority to receive evidence and admits such instrument in evidence upon payment of a penalty as provided by section 35 or of duty as provided by section 37, he shall send to the Collector an authenticated copy of such instrument, together with a certificate in writing, stating the amount of duty and penalty levied in respect thereof, and shall send such amount to the Collector, or to such person as he may appoint in this behalf.

(*2*) In every other case, the person so impounding an instrument shall send it in original to the Collector.

Collector's power to refund penalty paid under section 38, sub-section (*1*).

39. (*1*) When a copy of an instrument is sent to the Collector under section 38, sub-section (*1*), he may, if he thinks fit, upon application made to him in this behalf or, if no application is made, with the consent of the Chief Controlling Revenue-authority, refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument.

(*2*) When such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Collector may refund the whole penalty so paid.

Collector's power to stamp instruments impounded.

40. (*1*) When the Collector impounds any instrument under section 33, or receives any instrument sent to him under section 38, sub-section (*2*), not being an instrument

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(Chapter IV.—Instruments not duly stamped.—Sections 41-44.)

chargeable with a duty of one anna only or a bill of exchange or promissory note, he shall adopt the following procedure:—

(*a*) if he is of opinion that such instrument is duly stamped, or is not chargeable with duty, he shall certify by endorsement thereon that it is duly stamped, or that it is not so chargeable, as the case may be:

(*b*) if he is of opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of the proper duty or the amount required to make up the same, together with a penalty of five rupees; or, if he thinks fit, ten times the amount of the proper duty or of the deficient portion thereof, whether such amount exceeds or falls short of five rupees:

Provided that, when such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Collector may, if he thinks fit, remit the whole penalty prescribed by this section.

(*2*) Every certificate under clause (*a*) of sub-section (*1*) shall, for the purposes of this Act, be conclusive evidence of the matters stated therein.

(*3*) Where an instrument has been sent to the Collector under section 38, sub-section (2), the Collector shall, when he has dealt with it as provided by this section, return it to the impounding officer.

Instruments unduly stamped by accident.

41. If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty of one anna only or a bill of exchange or promissory note, is produced by any person of his own motion before the Collector within one year from the date of its execution or first execution, and such person brings to the notice of the Collector the fact that such instrument is not duly stamped and offers to pay to the Collector the amount of the proper duty, or the amount required to make up the same, and the Collector is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity, he may, instead of proceeding under sections 33 and 40, receive such amount and proceed as next hereinafter prescribed.

Endorsement of instruments on which duty has been paid under sections 35, 40 or 41.

42. (*1*) When the duty and penalty (if any) leviable in respect of any instrument have been paid under section 35, section 40 or section 41, the person admitting such instrument in evidence or the Collector, as the case may be, shall certify by endorsement thereon that the proper duty or, as the case may be, the proper duty and penalty (stating the amount of each) have been levied in respect thereof, and the name and residence of the person paying them.

(*2*) Every instrument so endorsed shall thereupon be admissible in evidence, and may be registered and acted upon and authenticated as if it had been duly stamped, and shall be delivered on his application in this behalf to the person from whose possession it came into the hands of the officer impounding it, or as such person may direct:

Provided that—

(*a*) no instrument which has been admitted in evidence upon payment of duty and a penalty under section 35, shall be so delivered before the expiration of one month from the date of such impounding, or if the Collector has certified that its further detention is necessary and has not cancelled such certificate:

(*b*) nothing in this section shall affect the Code of Civil Procedure, section 144, clause 3. XIV of 1882.

Prosecution for offence against Stamp-law.

43. The taking of proceedings or the payment of a penalty under this Chapter in respect of any instrument shall not bar the prosecution of any person who appears to have committed an offence against the Stamp-law in respect of such instrument:

Provided that no such prosecution shall be instituted in the case of any instrument in respect of which such a penalty has been paid, unless it appears to the Collector that the offence was committed with an intention of evading payment of the proper duty.

Persons paying duty or penalty may recover same in certain cases.

44. (*1*) When any duty or penalty has been paid under section 35, section 37, section 40 or section 41, by any person in respect of an instrument, and, by agreement or under the provisions of section 29 or any other enactment in force at the time such instrument was executed, some other person was bound to bear the expense of providing the proper stamp for such instrument, the first-mentioned person shall be entitled to recover from such other person the amount of the duty or penalty so paid.

(*2*) For the purpose of such recovery any certificate granted in respect of such instrument under this Act shall be conclusive evidence of the matters therein certified.

(*3*) Such amount may, if the Court thinks fit, be included in any order as to costs in any suit or proceeding to which such persons are parties and in which such instrument has been tendered in evidence. If the Court does not include the amount in such order, no further proceedings for the recovery of the amount shall be maintainable.

The Indian Stamp Act.

(Chapter IV.—Instruments not duly stamped.—Sections 45-48. Chapter V.—Allowances for Stamps in certain cases.—Section 49.)

Power to Revenue-authority to refund penalty or excess duty in certain cases.

45. (*1*) Where any penalty is paid under section 35 or section 40, the Chief Controlling Revenue-authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

(*2*) Where, in the opinion of the Chief Controlling Revenue-authority, stamp-duty in excess of that which is legally chargeable has been charged and paid under section 35 or section 40, such authority may, upon application in writing made within three months of the order charging the same, refund the excess.

Non-liability for loss of instruments sent under section 38.

46. (*1*) If any instrument sent to the Collector under section 38, sub-section (*2*), is lost, destroyed or damaged during transmission, the person sending the same shall not be liable for such loss, destruction or damage.

(*2*) When any instrument is about to be so sent, the person from whose possession it came into the hands of the person impounding the same, may require a copy thereof to be made at the expense of such first-mentioned person and authenticated by the person impounding such instrument.

Power of payer to stamp bills, promissory notes and cheques received by him unstamped.

47. When any bill of exchange, promissory note or cheque chargeable with the duty of one anna is presented for payment unstamped, the person to whom it is so presented, may affix thereto the necessary adhesive stamp, and, upon cancelling the same in manner hereinbefore provided, may pay the sum payable upon such bill, note or cheque, and may charge the duty against the person who ought to have paid the same, or deduct it from the sum payable as aforesaid, and such bill, note or cheque shall, so far as respects the duty, be deemed good and valid:

Provided that nothing herein contained shall relieve any person from any penalty or proceeding to which he may be liable in relation to such bill, note or cheque.

Recovery of duties and penalties.

48. All duties, penalties and other sums required to be paid under this Chapter may be recovered by the Collector by distress and sale of the moveable property of the person from whom the same are due, or by any other process for the time being in force for the recovery of arrears of land-revenue.

CHAPTER V.

ALLOWANCES FOR STAMPS IN CERTAIN CASES.

Allowance for spoiled stamps.

49. Subject to such rules as may be made by the Governor General in Council as to the evidence to be required, or the enquiry to be made, the Collector may, on application made within the period prescribed in section 50, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned, namely:—

(*a*) the stamp on any paper inadvertently and undesignedly spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written thereon is executed by any person:

(*b*) the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto:

(*c*) in the case of bills of exchange, cheques or promissory notes—

(*1*) the stamp on any bill of exchange or cheque signed by or on behalf of the drawer which has not been accepted or made use of in any manner whatever or delivered out of his hands for any purpose other than by way of tender for acceptance: provided that the paper on which any such stamp is impressed, does not bear any signature intended as or for the acceptance of any bill of exchange or cheque to be afterwards written thereon:

(*2*) the stamp on any promissory note signed by or in behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands:

(*3*) the stamp used or intended to be used for any bill of exchange, cheque or promissory note signed by, or on behalf of, the drawer thereof, but which from any omission or error has been spoiled or rendered useless, although the same, being a bill of exchange or cheque, may have been presented for acceptance or accepted or endorsed, or, being a promissory note, may have been delivered to the payee: provided that another completed and duly stamped bill of exchange, cheque or promissory note is produced identical in every particular, except in the correction of such omission or error as aforesaid, with the spoiled bill, cheque or note:

(*d*) the stamp used for an instrument executed by any party thereto which—

(*1*) has been afterwards found to be absolutely void in law from the beginning:

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(*Chapter V.—Allowances for Stamps in certain cases.—Sections 50-53.*)

(2) has been afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended:

(3) by reason of the death of any person by whom it is necessary that it should be executed, without having executed the same, or of the refusal of any such person to execute the same, cannot be completed so as to effect the intended transaction in the form proposed:

(4) for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended:

(5) by reason of the refusal of any person to act under the same, or to advance any money intended to be thereby secured, or by the refusal or non-acceptance of any office thereby granted, totally fails of the intended purpose:

(6) becomes useless in consequence of the transaction intended to be thereby effected being effected by some other instrument between the same parties and bearing a stamp of not less value:

(7) is deficient in value and the transaction intended to be thereby effected has been effected by some other instrument between the same parties and bearing a stamp of not less value:

(8) is inadvertently and undesignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped:

Provided that, in the case of an executed instrument, no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence and that the instrument is given up to be cancelled.

Explanation.—The certificate of the Collector under section 32 that the full duty with which an instrument is chargeable, has been paid is an impressed stamp within the meaning of this section.

Application for relief under section 49 when to be made.

50. The application for relief under section 49 shall be made within the following periods, that is to say,—

(1) in the cases mentioned in clause (*d*) (5), within two months of the date of the instrument:

(2) in the case of a stamped paper on which no instrument has been executed by any of the parties thereto, within six months after the stamp has been spoiled:

(3) in the case of a stamped paper in which an instrument has been executed by any of the parties thereto, within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed:

Provided that,—

(*a*) when the spoiled instrument has been for sufficient reasons sent out of British India, the application may be made within six months after it has been received back in British India:

(*b*) when, from unavoidable circumstances, any instrument for which another instrument has been substituted, cannot be given up to be cancelled within the aforesaid period, the application may be made within six months after the date of execution of the substituted instrument.

Allowance in case of printed forms no longer required by corporations.

51. The Chief Controlling Revenue-authority may, without limit of time, make allowance for stamped papers used for printed forms of instruments by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said company or body corporate: provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

Allowance for misused stamps.

52. (*a*) When any person has inadvertently used for an instrument chargeable with duty, a stamp of a description other than that prescribed for such instrument by the rules made under this Act, or a stamp of greater value than was necessary, or has inadvertently used any stamp for an instrument not chargeable with any duty; or

(*b*) When any stamp used for an instrument has been inadvertently rendered useless under section 15, owing to such instrument having been written in contravention of the provisions of section 13;

the Collector may, on application made within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

Allowance for spoiled or misused stamps how to be made.

53. In any case in which allowance is made for spoiled or misused stamps, the Collector may give in lieu thereof—

(*a*) other stamps of the same description and value; or,

(*b*) if required and he thinks fit, stamps of any other description to the same amount in value; or,

The Indian Stamp Act.

(Chapter V.—Allowances for Stamps in certain cases.—Sections 54-55. Chapter VI.—Reference and Revision.—Sections 56-58.)

(*c*) at his discretion, the same value in money, deducting one anna for each rupee or fraction of a rupee.

54. When any person is possessed of a stamp or stamps which have not been spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Collector shall repay to such person the value of such stamp or stamps in money, deducting one anna for each rupee or portion of a rupee, upon such person delivering up the same to be cancelled, and proving to the Collector's satisfaction—

Allowance for stamps not required for use.

(*a*) that such stamp or stamps were purchased by such person with a *bonâ fide* intention to use them; and

(*b*) that he has paid the full price thereof; and

(*c*) that they were so purchased within the period of six months next preceding the date on which they were so delivered:

Provided that, where the person is a licensed vendor of stamps, the Collector may, if he thinks fit, make the repayment of the sum actually paid by the vendor without any such deduction as aforesaid.

55. When any duly stamped debenture is renewed by the issue of a new debenture in the same terms, the Collector shall, upon application made within one month, repay to the person issuing such debenture the value of the stamp on the original or on the new debenture, whichever shall be less:

Allowance on renewal of certain debentures.

Provided that the original debenture is produced before the Collector and cancelled by him in such manner as the Governor General in Council may direct.

Explanation.—A debenture shall be deemed to be renewed in the same terms within the meaning of this section notwithstanding the following changes:—

(*a*) the issue of two or more debentures in place of one original debenture, the total amount secured being the same;

(*b*) the issue of one debenture in place of two or more original debentures, the total amount secured being the same;

(*c*) the substitution of the name of the holder at the time of renewal for the name of the original holder; and

(*d*) the alteration of the rate of interest or the dates of payment thereof.

CHAPTER VI.

REFERENCE AND REVISION.

56. (*1*) The powers exercisable by a Collector under Chapter IV and Chapter V shall in all cases be subject to the control of the Chief Controlling Revenue-authority.

Control of, and statement of case to, Chief Controlling Revenue-authority.

(*2*) If any Collector, acting under section 31, section 40 or section 41, feels doubt as to the amount of duty with which any instrument is chargeable, he may draw up a statement of the case, and refer it, with his own opinion thereon, for the decision of the Chief Controlling Revenue-authority.

(*3*) Such authority shall consider the case and send a copy of its decision to the Collector, who shall proceed to assess and charge the duty (if any) in conformity with such decision.

57. (*1*) The Chief Controlling Revenue-authority may state any case referred to it under section 56, sub-section (*2*), or otherwise coming to its notice, and refer such case, with its own opinion thereon,—

Statement of case by Chief Controlling Revenue-authority to High Court or Chief Court.

(*a*) if the case arises in the territories for the time being administered by the Governor of Fort St. George in Council or the Governor of Bombay in Council—to the High Court of Judicature at Madras or Bombay, as the case may be;

(*b*) if it arises in the North-Western Provinces or Oudh or in Ajmere—to the High Court of Judicature for the North-Western Provinces;

(*c*) if it arises in the territories for the time being administered by the Lieutenant-Governor of the Punjab or in British Baluchistan—to the Chief Court of the Punjab;

(*d*) if it arises in the Central Provinces—to the High Court of Judicature at Bombay;

(*e*) if it arises in any other part of British India—to the High Court of Judicature at Fort William.

(*2*) Every such case shall be decided by not less than three Judges of the High Court or Chief Court to which it is referred, and in case of difference the opinion of the majority shall prevail.

58. If the High Court or Chief Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the Court may refer the case back to the Revenue-authority by which it was stated, to make such

Power of High Court or Chief Court to call for further particulars as to case stated.

The Indian Stamp Act.

(Chapter VI.—Reference and Revision.—Sections 59-61. (Chapter VII.—Criminal Offence and Procedure.—Section 62.)

additions thereto or alterations therein as the Court may direct in that behalf.

Procedure in disposing of case stated.

59. (*1*) The High Court or Chief Court, upon the hearing of any such case, shall decide the questions raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded.

(*2*) The Court shall send to the Revenue-authority by which the case was stated, a copy of such judgment under the seal of the Court and the signature of the Registrar; and the Revenue-authority shall, on receiving such copy, dispose of the case conformably to such judgment.

Statement of case by other Courts to High Court or Chief Court.

60. (*1*) If any Court, other than a Court mentioned in section 57, feels doubt as to the amount of duty to be paid in respect of any instrument under proviso (*a*) to section 35, the Judge may draw up a statement of the case and refer it, with his own opinion thereon, for the decision of the High Court or Chief Court to which, if he were the Chief Controlling Revenue-authority, he would, under section 57, refer the same.

(*2*) Such Court shall deal with the case as if it had been referred under section 57, and send a copy of its judgment under the seal of the Court and the signature of the Registrar to the Chief Controlling Revenue-authority and another like copy to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgment.

(*3*) References made under sub-section (*1*), when made by a Court subordinate to a District Court, shall be made through the District Court, and, when made by any subordinate Revenue Court, shall be made through the Court immediately superior.

Revision of certain decisions of Courts regarding the sufficiency of stamps.

61. (*1*) When any Court in the exercise of its civil or revenue jurisdiction or any Criminal Court in any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898, makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 35, the Court to which appeals lie from, or references are made by, such first-mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration.

V of 1898.

(*2*) If such Court, after such consideration, is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 35 or without the payment of a higher duty and penalty than those paid, it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable, and may require any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced.

(*3*) When any declaration has been recorded under sub-section (*2*), the Court recording the same shall send a copy thereof to the Collector, and, where the instrument to which it relates has been impounded or is otherwise in the possession of such Court, shall also send him such instrument.

(*4*) The Collector may thereupon, notwithstanding anything contained in the order admitting such instrument in evidence, or in any certificate granted under section 42, or in section 43, prosecute any person for any offence against the Stamp-law which the Collector considers him to have committed in respect of such instrument:

Provided that—

(*a*) no such prosecution shall be instituted where the amount (including duty and penalty) which, according to the determination of such Court, was payable in respect of the instrument under section 35, is paid to the Collector, unless he thinks that the offence was committed with an intention of evading payment of the proper duty;

(*b*) except for the purposes of such prosecution, no declaration made under this section shall affect the validity of any order admitting any instrument in evidence, or of any certificate granted under section 42.

CHAPTER VII.

CRIMINAL OFFENCES AND PROCEDURE.

Penalty for executing, etc., instrument not duly stamped.

62. (*1*) Any person—

(*a*) drawing, making, issuing, endorsing or transferring, or signing otherwise than as a witness, or presenting for acceptance or payment, or accepting, paying or receiving payment of, or in any manner negotiating, any bill of exchange, cheque or promissory note without the same being duly stamped; or

(*b*) executing or signing otherwise than as a witness any other instrument chargeable with duty without the same being duly stamped; or

(*c*) voting or attempting to vote under any proxy not duly stamped;

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(Chapter VII.—Criminal Offences and Procedure.—Sections 63-69.)

shall for every such offence be punishable with fine which may extend to five hundred rupees :

Provided that, when any penalty has been paid in respect of any instrument under section 35, section 40 or section 61, the amount of such penalty shall be allowed in reduction of the fine (if any) subsequently imposed under this section in respect of the same instrument upon the person who paid such penalty.

(2) If a share-warrant is issued without being duly stamped, the company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the company, shall be punishable with fine which may extend to five hundred rupees.

Penalty for failure to cancel adhesive stamp.

63. Any person required by section 12 to cancel an adhesive stamp, and failing to cancel such stamp in manner prescribed by that section, shall be punishable with fine which may extend to one hundred rupees.

Penalty for omission to comply with provisions of section 27.

64. Any person who, with intent to defraud the Government,—

(*a*) executes any instrument in which all the facts and circumstances required by section 27 to be set forth in such instrument are not fully and truly set forth ; or,

(*b*) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all such facts and circumstances ; or

(*c*) does any other act calculated to deprive the Government of any duty or penalty under this Act;

shall be punishable with fine which may extend to five thousand rupees.

Penalty for refusal to give receipt and for devices to evade duty on receipts.

65. Any person who,—

(*a*) being required under section 30 to give a receipt, refuses or neglects to give the same ; or,

(*b*) with intent to defraud the Government of any duty, upon a payment of money or delivery of property exceeding twenty rupees in amount or value, gives a receipt for an amount or value not exceeding twenty rupees, or separates or divides the money or property paid or delivered;

shall be punishable with fine which may extend to one hundred rupees.

Penalty for not making out policy or making one not duly stamped.

66. Any person who—

(*a*) receives, or takes credit for, any premium or consideration for any contract of insurance and does not, within one month after receiving, or taking credit for, such premium or consideration, make out and execute a duly stamped policy of such insurance ; or

(*b*) makes, executes or delivers out any policy which is not duly stamped, or pays or allows in account, or agrees to pay or allow in account, any money upon, or in respect of, any such policy ;

shall be punishable with fine which may extend to two hundred rupees.

Penalty for not drawing full number of bills or marine policies purporting to be in sets.

67. Any person drawing or executing a bill of exchange or a policy of marine insurance purporting to be drawn or executed in a set of two or more, and not at the same time drawing or executing on paper duly stamped the whole number of bills or policies of which such bill or policy purports the set to consist, shall be punishable with fine which may extend to one thousand rupees.

Penalty for post-dating bills, and for other devices to defraud the revenue.

68. Any peron who—

(*a*) with intent to defraud the Government of duty, draws, makes or issues any bill of exchange or promissory note bearing a date subsequent to that on which such bill or note is actually drawn or made ; or,

(*b*) knowing that such bill or note has been so post-dated, endorses, transfers, presents for acceptance or payment, or accepts, pays or receives payment of, such bill or note, or in any manner negotiates the same ; or,

(*c*) with the like intent, practises or is concerned in any act, contrivance or device not specially provided for by this Act or any other law for the time being in force ;

shall be punishable with fine which may extend to one thousand rupees.

Penalty for breach of rule relating to sale of stamps and for unauthorized sale.

69. (*a*) Any person appointed to sell stamps who disobeys any rule made under section 74, and

(*b*) Any person not so appointed who sells or offers for sale any stamp (other than a one-anna adhesive stamp) ;

shall be punishable with imprisonment for a term which may extend to six months, or

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Chapter VII.—Criminal Offences and Procedure.—Sections 70-72. Chapter VIII.—Supplemental Provisions.—Sections 73-79.)

with fine which may extend to five hundred rupees, or with both.

Institution and conduct of prosecutions.

70. (*1*) No prosecution in respect of any offence punishable under this Act or any Act hereby repealed, shall be instituted without the sanction of the Collector or such other officer as the Local Government generally, or the Collector specially, authorizes in that behalf.

(*2*) The Chief Controlling Revenue-authority, or any officer generally or specially authorized by it in this behalf, may stay any such prosecution or compound any such offence.

(*3*) The amount of any such composition shall be recoverable in the manner provided by section 48.

Jurisdiction of Magistrates.

71. No Magistrate, other than a Presidency Magistrate or a Magistrate whose powers are not less than those of a Magistrate of the second class, shall try any offence under this Act.

Place of trial.

72. Every such offence committed in respect of any instrument may be tried in any district or presidency-town in which such instrument is found, as well as in any district or presidency-town in which such offence might be tried under the Code of Criminal Procedure for the time being in force.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

Books, etc., to be open to inspection.

73. Every public officer having in his custody any registers, books, records, papers, documents or proceedings, the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorized in writing by the Collector to inspect for such purpose the registers, books, papers, documents and proceedings, and to take such notes and extracts as he may deem necessary, without fee or charge.

Powers to make rules relating to sale of stamps.

74. The Local Government, subject to the control of the Governor General in Council, may make rules for regulating—

(*a*) the supply and sale of stamps and stamped papers,

(*b*) the persons by whom alone such sale is to be conducted, and

(*c*) the duties and remuneration of such persons:

Provided that such rules shall not restrict the sale of one anna adhesive stamps.

Power to make rules generally to carry out Act.

75. The Governor General in Council may make rules to carry out generally the purposes of this Act and may by such rules prescribe the fines, which shall in no case exceed five hundred rupees, to be incurred on breach thereof.

Publication of rules.

76. (*1*) All rules made under this Act, other than rules made under section 74, shall be published in the Gazette of India, and all rules made under section 74 shall be published in the local Gazette.

(*2*) All rules published as required by this section shall, upon such publication, have effect as if enacted by this Act.

Saving as to court-fees.

77. Nothing in hi s Act contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to court-fees.

Act to be translated, and sold cheaply.

78. Every Local Government shall make provision for the sale of translations of this Act in the principal vernacular languages of the territories administered by it at a price not exceeding four annas per copy.

Repeal.

79. The Acts mentioned in Schedule II are repealed to the extent specified in the fourth column thereof.

The Indian Stamp Act.

(*Schedule I.—Stamp-duty on Instruments.*)

SCHEDULE I.

STAMP-DUTY ON INSTRUMENTS.

(*See section 3.*)

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.	
1. **ACKNOWLEDGMENT** of a debt exceeding twenty rupees in amount or value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass-book) or on a separate piece of paper when such book or paper is left in the creditor's possession: provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property ...	One anna.	
2. **ADMINISTRATION-BOND,** including a bond given under section 256 of the Indian Succession Act, 1865, section 6 of the Government Savings Banks Act, 1873, section 78 of the Probate and Administration Act, 1881, or section 9 or section 10 of the Succession Certificate Act, 1889—		X of 1865. V of 1873 V of 1881. VII of 1889.
(*a*) where the amount does not exceed Rs. 1,000	The same duty as a Bond (No. 15) for such amount.	
(*b*) in any other case	Five rupees.	
3. **ADOPTION-DEED,** that is to say, any instrument (other than a will) recording an adoption or conferring or purporting to confer an authority to adopt	Ten rupees.	
ADVOCATE. *See* ENTRY AS AN ADVOCATE (No. 30).		
4. **AFFIDAVIT,** including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing	One rupee.	
Exemptions.		
Affidavit or declaration in writing when made—		
(*a*) as a condition of enlistment under the Indian Articles of War;		
(*b*) for the immediate purpose of being filed or used in any Court or before the officer of any Court; or		V of 1869.
(*c*) for the sole purpose of enabling any person to receive any pension or charitable allowance.		
5. **AGREEMENT OR MEMORANDUM OF AN AGREEMENT—**		
(*a*) if relating to the sale of a Government security, or share in an incorporated company or other body corporate, or a bill of exchange	One anna.	
(*b*) if not otherwise provided for	Eight annas.	
Exemptions.		
Agreement or memorandum of agreement—		
(*a*) for or relating to the sale of goods or merchandize exclusively, not being a NOTE OR MEMORANDUM chargeable under No. 43;		
(*b*) made in the form of tenders to the Government of India for or relating to any loan;		
(*c*) made under the European Vagrancy Act, 1874, section 17.		
AGREEMENT TO LEASE. *See* LEASE (No. 35).		IX of 1874.
6. **AGREEMENT** by way of EQUITABLE MORTGAGE, that is to say, any instrument evidencing an agreement to secure the repayment of a loan made upon the deposit of title-deeds or other valuable security, or upon the hypothecation of moveable property—		
(*a*) when such loan is repayable more than three months, but not more than one year, from the date of such instrument ...	The same duty as a Bill of Exchange [No. 13 (*b*)] for the amount secured.	
(*b*) when such loan is repayable not more than three months from the date of such instrument	Half the duty payable on a Bill of Exchange [No. 13 (*b*)] for the amount secured.	

The Indian Stamp Act.

(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—*continued.*

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.	
6. **AGREEMENT** by way of EQUITABLE MORTGAGE—*contd.*		
Exemption.		
See Exemptions under MORTGAGE-DEED (No. 40).		
7. **APPOINTMENT IN EXECUTION OF A POWER,** whether of trustees or of property, moveable or immoveable, where made by any writing not being a Will	Fifteen rupees.	
8. **APPRAISEMENT OR VALUATION** made otherwise than under an order of the Court in the course of a suit—		
(*a*) where the amount does not exceed Rs. 1,000	The same duty as a Bond (No. 15) for such amount.	
(*b*) in any other case	Five rupees.	
Exemptions.		
(*a*) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.		
(*b*) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.		
9. **APPRENTICESHIP-DEED,** including every writing relating to the service or tuition of any apprentice, clerk or servant, placed with any master to learn any profession, trade or employment, not being ARTICLES OF CLERKSHIP (No. 11)	Five rupees.	
Exemption.		
Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850, or by which a person is apprenticed by or at the charge of any public charity.		XIX of 1850.
10. **ARTICLES OF ASSOCIATION OF A COMPANY** ...	Twenty-five rupees.	
Exemption.		
Articles of any Association not formed for profit and registered under section 26 of the Indian Companies Act, 1882.		VI of 1882.
See also MEMORANDUM OF ASSOCIATION OF A COMPANY (No. 39).		
11. **ARTICLES OF CLERKSHIP** or contract whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in any High Court	Two hundred and fifty rupees.	
ASSIGNMENT. *See* CONVEYANCE (No. 23), TRANSFER (No. 62) and TRANSFER OF LEASE (No. 63), as the case may be.		
ATTORNEY. *See* ENTRY AS AN ATTORNEY (No. 30) and POWER-OF-ATTORNEY (No. 48).		
AUTHORITY TO ADOPT. *See* ADOPTION-DEED (No. 3).		
12. **AWARD,** that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—		
(*a*) where the amount or value of the property to which the award relates as set forth in such award does not exceed Rs. 1,000;	The same duty as a Bond (No. 15) for such amount.	
(*b*) in any other case	Five rupees.	
Exemption.		
Award under the Bombay District Municipal Act, 1873, section 81, or the Bombay Hereditary Offices Act, 1874, section 18.		Bom. Act VI of 1873. Bom. Act III of 1874.
13. **BILL OF EXCHANGE** [as defined by s. 2 (2) & (3)], not being a BOND, bank-note or currency-note—		
(*a*) where payable on demand	One anna.	

The Indian Stamp Act.

(*Schedule I.—Stamp-duty on Instruments.*)

SCHEDULE I—*continued.*

DESCRIPTION OF INSTRUMENT.		PROPER STAMP-DUTY. If drawn singly.	If drawn in set of two, for each part of the set.	If drawn in set of three, for each part of the set.
13. BILL OF EXCHANGE—*contd.*				
(*b*) where payable otherwise than on demand, but not more than one year after date or sight,—				
		Rs. A. P.	Rs. A. P.	Rs. A. P.
if the amount of the bill or note does not exceed	Rs. 200	0 2 0	0 1 0	0 1 0
if it exceeds Rs. 200 and does not exceed ...	400	0 4 0	0 2 0	0 2 0
Ditto 400 ditto	600	0 6 0	0 3 0	0 2 0
Ditto 600 ditto	1,000	0 10 0	0 5 0	0 4 0
Ditto 1,000 ditto	1,200	0 12 0	0 6 0	0 4 0
Ditto 1,200 ditto	1,600	1 0 0	0 8 0	0 6 0
Ditto 1,600 ditto	2,500	1 8 0	0 12 0	0 8 0
Ditto 2,500 ditto	5,000	3 0 0	1 8 0	1 0 0
Ditto 5,000 ditto	7,500	4 8 0	2 4 0	1 8 0
Ditto 7,500 ditto	10,000	6 0 0	3 0 0	2 0 0
Ditto 10,000 ditto	15,000	9 0 0	4 8 0	3 0 0
Ditto 15,000 ditto	20,000	12 0 0	6 0 0	4 0 0
Ditto 20,000 ditto	25,000	15 0 0	7 8 0	5 0 0
Ditto 25,000 ditto	30,000	18 0 0	9 0 0	6 0 0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000		6 0 0	3 0 0	2 0 0
(*c*) where payable at more than one year after date or sight ...		The same duty as a Bond (No. 15) for the same amount.		

14. BILL OF LADING (including a through bill of lading) ... Four annas.

N. B.—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.

Exemptions.

(*a*) Bill of lading when the goods therein described are received at a place within the limits of any port as defined under the Indian Ports Act, 1889, and are to be delivered at another place within the limits of the same port. X of 1889.

(*b*) Bill of lading when executed out of British India and relating to property to be delivered in British India.

15. BOND [as defined by section 2 (5)] not being a DEBENTURE (No. 27) and not being otherwise provided for by this Act, or by the Court-fees Act, 1870,— VII of 1870.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
where the amount or value secured does not exceed Rs. 10 ...	Two annas.
where it exceeds Rs. 10 and does not exceed Rs. 50	Four annas.
Ditto 50 ditto 100	Eight annas.
Ditto 100 ditto 200	One rupee.
Ditto 200 ditto 300	One rupee eight annas.
Ditto 300 ditto 400	Two rupees.
Ditto 400 ditto 500	Two rupees eight annas.
Ditto 500 ditto 600	Three rupees.
Ditto 600 ditto 700	Three rupees eight annas.
Ditto 700 ditto 800	Four rupees.

The Indian Stamp Act.

(*Schedule I.—Stamp-duty on Instruments.*)

SCHEDULE I—*continued.*

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
15. **BOND**—*contd.*	
where it exceeds Rs. 800 and does not exceed Rs. 900	Four rupees eight annas.
Ditto 900 ditto 1,000	Five rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000 ...	Two rupees eight annas.
See ADMINISTRATION BOND (No. 2), BOTTOMRY BOND (No. 16), CUSTOMS BOND (No. 26), INDEMNITY BOND (No. 34), RESPONDENTIA BOND (No. 56), SECURITY BOND (No. 57).	
Exemptions.	
Bond, when executed by—	
(*a*) headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act ;	Beng. Act III of 1876.
(*b*) any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.	
16. **BOTTOMRY BOND**, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage ...	The same duty as a Bond (No. 15) for the same amount.
17. **CANCELLATION**—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for	Five rupees.
See also RELEASE (No. 55), REVOCATION OF SETTLEMENT (No. 58B), SURRENDER OF LEASE (No. 61), REVOCATION OF TRUST (No. 64B).	
18. **CERTIFICATE OF SALE** (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue-officer—	
(*a*) where the purchase-money does not exceed Rs. 10	Two annas.
(*b*) ditto ditto exceeds Rs. 10 but does not exceed Rs. 25	Four annas.
(*c*) in any other case	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.
19. **CERTIFICATE OR OTHER DOCUMENT** evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of shares, scrip or stock in or of any such company or body	One anna.
See also LETTER OF ALLOTMENT OF SHARES (No. 36).	
20 **CHARTER-PARTY**, that is to say, any instrument (except an agreement for the hire of a tug steamer) whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not	One rupee.
21 **CHEQUE** [as defined by section 2 (7)]	One anna.
22. **COMPOSITION DEED**, that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors	Ten rupees.
23. **CONVEYANCE** [as defined by section 2 (10)], not being a TRANSFER charged or exempted under No. 62,—	
where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50	Eight annas.

The Indian Stamp Act.

(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—*continued.*

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
23.—CONVEYANCE—*contd.*	
where it exceeds Rs. 50 but does not exceed Rs. 100 ...	One rupee.
Ditto 100 ditto 200 ...	Two rupees.
Ditto 200 ditto 300 ...	Three rupees.
Ditto 300 ditto 400 ...	Four rupees.
Ditto 400 ditto 500 ...	Five rupees.
Ditto 500 ditto 600 ...	Six rupees.
Ditto 600 ditto 700 ...	Seven rupees.
Ditto 700 ditto 800 ...	Eight rupees.
Ditto 800 ditto 900 ...	Nine rupees.
Ditto 900 ditto 1,000 ...	Ten rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000 ...	Five rupees.
Exemption.	
Assignment of copyright by entry made under the Indian Copyright Act, 1847, section 5. XX of 1847.	
CO-PARTNERSHIP DEED.—*See* PARTNERSHIP (No. 46).	
24. COPY OR EXTRACT certified to be a true copy or extract, by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—	
(*i*) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed one rupee.	Eight annas.
(*ii*) in any other case	One rupee.
Exemptions.	
(*a*) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.	
(*b*) Copies of entries—	
(*i*) in the certified copies of registers, granted under the Births, Deaths and Marriages Registration Act, 1886, section 8; VI of 1886.	
(*ii*) in register books granted by any Registrar of Births and Deaths under the said Act, section 25, or	
(*iii*) in registers and records, granted under the said Act, section 35, when applied for by a soldier, sailor, non-commissioned officer or petty officer;	
(*c*) copies of, or extracts from, baptismal, marriage or burial registers certified by Government Chaplains, subsidised or unsubsidised Clergymen, and Diocesan or Marriage Registrars, and granted to soldiers, sailors or non-commissioned or petty officers.	
25. COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid,—	
(*a*) if the duty with which the original instrument is chargeable does not exceed one rupee;	The same duty as is payable on the original.
(*b*) in any other case	One rupee.

The Indian Stamp Act.

(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—*continued.*

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
25. **COUNTERPART OR DUPLICATE**—*contd.*	
Exemption.	
Counterpart of any lease granted to a cultivator when such lease is exempted from duty.	
26. **CUSTOMS-BOND**—	
(*a*) where the amount does not exceed Rs. 1,000	The same duty as a Bond (No. 15) for such amount.
(*b*) in any other case	Five rupees.
27. **DEBENTURE** (whether a mortgage debenture or not), being a marketable security transferable by delivery, or by endorsement or by separate instrument of transfer.	The same duty as a Bond (No. 15) for the same amount.
Explanation.—The term Debenture includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.	
Exemption.	
A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over, in whole or in part, their property to trustees for the benefit of the debenture-holders: provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed.	
See also BOND (No. 15); and SECTIONS 8 and 55.	
DECLARATION OF ANY TRUST.—*See* TRUST (No. 64).	
28. **DELIVERY-ORDER IN RESPECT OF GOODS**, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees	One anna.
DEPOSIT OF TITLE-DEEDS.— *See* AGREEMENT by way of equitable mortgage (No. 6).	
DISSOLUTION OF PARTNERSHIP.—*See* PARTNERSHIP (No. 46).	
29. **DIVORCE**—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage	One rupee.
DOWER—Instrument of. *See* SETTLEMENT (No. 58).	
DUPLICATE.—*See* COUNTERPART (No. 25).	
30. **ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY ON THE ROLL OF ANY HIGH COURT** in exercise of powers conferred on such Court by Letters Patent or by the Legal Practitioners Act, 1884—	IX of 1884.
(*a*) in the case of an Advocate or Vakil	Five hundred rupees.
(*b*) in the case of an Attorney	Two hundred and fifty rupees.
Exemption.	
Entry of an advocate, vakil or attorney on the roll of any High Court when he has previously been enrolled in a High Court.	
EQUITABLE MORTGAGE.—*See* AGREEMENT by way of equitable mortgage (No. 6).	
31. **EXCHANGE OF PROPERTY**—Instrument of, ...	The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property of greatest value as set forth in such instrument.

The Indian Stamp Act.

(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—*continued.*

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
EXTRACT.—*See* COPY (No. 24).	
32. **FURTHER CHARGE**—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—	
(*a*) when the original mortgage is one of the description referred to in clause (*a*) of Article No. 40 (that is, with possession);	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the further charge secured by such instrument.
(*b*) when such mortgage is one of the description referred to in clause (*b*) of Article No. 40 (that is, without possession)—	
(i) if at the time of execution of the instrument of further charge possession of the property is given, or agreed to be given under such instrument,	The same duty as a Conveyance (No. 23) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.
(ii) if possession is not so given	The same duty as a bond (No. 15) for the amount of the further charge secured by such instrument.
33. **GIFT**—Instrument of, not being a SETTLEMENT (No. 58) OR WILL OR TRANSFER (No. 62).	The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property as set forth in such instrument.
HIRING AGREEMENT or agreement for service.—*See* AGREEMENT (No. 5).	
34. **INDEMNITY-BOND**	The same duty as a Security Bond (No. 57) for the same amount.
INSPECTORSHIP-DEED.—*See* COMPOSITION-DEED (No. 22).	
INSURANCE.—*See* POLICY OF INSURANCE (No. 47).	
35. **LEASE**, including an under-lease or sub-lease and any agreement to let or sub-let—	
(*a*) where by such lease the rent is fixed and no premium is paid or delivered—	
(*i*) where the lease purports to be for a term of less than one year;	The same duty as a Bond (No. 15) for the whole amount payable or deliverable under such lease.
(*ii*) where the lease purports to be for a term of not less than one year but not more than three years;	The same duty as a Bond (No. 15) for the amount or value of the average annual rent reserved.
(*iii*) where the lease purports to be for a term in excess of three years;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent reserved.
(*iv*) where the lease does not purport to be for any definite term;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.
(*v*) where the lease purports to be in perpetuity;	The same duty as a Conveyance (No. 23) for a consideration equal to one-fifth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.

The Indian Stamp Act.

(*Schedule I.—Stamp-duty on Instruments.*)

SCHEDULE I—*continued.*

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.	
35. LEASE—*contd.* (*b*) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.	
(*c*) where the lease is granted for a fine or premium or for money advanced in addition to rent reserved.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease if no fine or premium or advance had been paid or delivered: Provided that, in any case when an agreement to lease is stamped with the *ad valorem* stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed eight annas.	
Exemptions. (*a*) Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink) without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees. (*b*) Leases of fisheries granted under the Burma Fisheries Act, 1875, or the Upper Burma Land and Revenue Regulation, 1889.		VII of 1875. II of 1889.
36. LETTER OF ALLOTMENT OF SHARES in any company or proposed company, or in respect of any loan to be raised by any company or proposed company	One anna.	
See also CERTIFICATE OR OTHER DOCUMENT (No 19).		
37. LETTER OF CREDIT, that is to say, any instrument by which one person authorizes another to give credit to the person in whose favour it is drawn	One anna.	
LETTER OF GUARANTEE.—*See* AGREEMENT (No. 5).		
38. LETTER OF LICENSE, that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion	Ten rupees.	
39. MEMORANDUM OF ASSOCIATION OF A COMPANY—		
(*a*) if accompanied by Articles of association under section 37 of the Indian Companies Act, 1882	Fifteen rupees.	VI of 1882.
(*b*) if not so accompanied	Forty rupees.	
Exemption. Memorandum of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1882.		VI of 1882.
40. MORTGAGE-DEED, not being an AGREEMENT TO MORTGAGE (No. 6), BOTTOMRY BOND (No. 16), MORTGAGE OF A CROP (No. 41), RESPONDENTIA BOND (No. 56), or SECURITY BOND (No. 57)—		
(*a*) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given	The same duty as a Conveyance (No. 23) for a consideration equal to the amount secured by such deed.	

The Indian Stamp Act.

(*Schedule I.—Stamp-duty on Instruments.*)

SCHEDULE I—*continued.*

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
40. MORTGAGE-DEED—*contd.*	
(*b*) when at the time of execution possession is not given or agreed to be given as aforesaid.	The same duty as a bond (No. 15) for the amount secured by such deed.
Explanation.—A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this article.	
(*c*) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped—	
for every sum secured not exceeding Rs. 1,000	Eight annas.
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000	Eight annas.
Exemptions.	
(*1*) Instruments, executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties as security for the repayment of such advances.	
(*2*) Letter of hypothecation accompanying a bill of exchange.	
(*3*) Instrument of pledge or pawn of goods if unattested.	
41. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage—	
(*a*) when the loan is repayable not more than three months from the date of the instrument—	
for every sum secured not exceeding Rs. 200	One anna.
and for every Rs. 200 or part thereof secured in excess of Rs. 200	One anna.
(*b*) when the loan is repayable more than three months, but not more than one year, from the date of the instrument—	
for every sum secured not exceeding Rs. 100	Four annas.
and for every Rs. 100 or part thereof secured in excess of Rs. 100	Four annas.
42. NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a PROTEST (No. 50) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public ...	One rupee.
See also PROTEST OF BILL OR NOTE (No. 50).	
43. NOTE OR MEMORANDUM sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal of any goods, stock or marketable security exceeding in value twenty rupees	One anna.
44. NOTE OF PROTEST BY THE MASTER OF A SHIP ..	Eight annas.
See also PROTEST BY THE MASTER OF A SHIP (No. 51).	
ORDER FOR THE PAYMENT OF MONEY.—*See* BILL OF EXCHANGE (No. 13).	
45. PARTITION—Instrument of [as defined by s. 2 (*15*)]	The same duty as a Bond (No. 15) for the amount of the value of the separated share or shares of the property.

XIX of 1883.
XII of 1884.

N.B.—The largest share remaining after the property is partitioned (or, if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated :

Provided always that—

(*a*) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than eight annas ;

(*b*) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue;

(*c*) where a final order for effecting a partition passed by any Revenue-authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed eight annas.

The Indian Stamp Act.
(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—*continued.*

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
46. PARTNERSHIP—	
A.—INSTRUMENT OF—	
(*a*) where the capital of the partnership does not exceed Rs. 500	Two rupees eight annas.
(*b*) in any other case	Ten rupees.
B.—DISSOLUTION OF;	Five rupees.
47. POLICY OF INSURANCE—	
A.—SEA-INSURANCE (see section 7)—	
(*1*) for or upon any voyage—	
(i) where the premium or consideration does not exceed the rate of two annas or one-eighth per centum of the amount insured by the policy	One anna.
(ii) in any other case, in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy	Two annas.
(*2*) for time—	
(iii) in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy—	
where the insurance shall be made for any time not exceeding six months	Two annas.
where the insurance shall be made for any time exceeding six months and not exceeding twelve months ...	Four annas.
B.—FIRE INSURANCE—	
(*1*) in respect of an original policy—	
for every sum insured not exceeding Rs. 1,000, and also for every Rs. 1,000 or part thereof insured in excess of Rs. 1,000, for a period—	
(i) not exceeding one month	Two annas.
(ii) exceeding one month, but not exceeding three months ...	Three annas.
(iii) exceeding three months, but not exceeding six months ...	Four annas.
(iv) exceeding six months	Six annas.
(*2*) in respect of renewing, for the purpose of keeping in force, a policy which has been granted for six months or any shorter term and in respect of which and of the previous renewal whereof (if any) there has not already been paid the duty which would have been chargeable if the policy had originally been granted for a longer term than six months.	The same duty as would be payable in respect of an original policy for the amount and term to which the renewal extends; or the excess of the duty which would have been chargeable if the policy had originally been granted for a longer term than six months, over the duty already paid in respect of the policy and of the previous renewal thereof (if any), whichever is the smaller sum.

The Indian Stamp Act.

(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—*continued.*

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.	
47. **POLICY OF INSURANCE**—*contd.*		
C.—ACCIDENT AND SICKNESS INSURANCE—		
(a) against railway accident, valid for a single journey only ...	One anna.	
Exemption.		
When issued to a passenger travelling by the intermediate or the third class in any railway.		
(b) in any other case—for the maximum amount which may become payable in the case of any single accident or sickness where such amount does not exceed Rs. 1,000, and also where such amount exceeds Rs. 1,000, for every Rs. 1,000 or part thereof...	Two annas.	
D.—LIFE INSURANCE OR OTHER INSURANCE NOT SPECIFICALLY PROVIDED FOR, except such a RE-INSURANCE as is described in Division E of this Article— for every sum insured not exceeding Rs. 1,000, and also for every Rs. 1,000 or part thereof insured in excess of Rs. 1,000—		
(i) if drawn singly	Six annas.	
(ii) if drawn in duplicate, for each part	Three annas.	
Exemption.		
Policies of life insurance granted by the Director General of the Post Office of India in accordance with rules for Postal Life Insurance issued under the authority of the Government of India.		
E.—RE-INSURANCE BY AN INSURANCE COMPANY, which has granted a POLICY OF SEA-INSURANCE or A POLICY OF FIRE-INSURANCE, with another company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby	One-quarter of the duty payable in respect of the original insurance but not less than one anna or more than one rupee.	
General Exemption.		
Letter of cover or engagement to issue a policy of insurance: Provided that, unless such letter or engagement bears the stamp prescribed by this Act for such policy, nothing shall be claimable thereunder, nor shall it be available for any purpose, except to compel the delivery of the policy therein mentioned.		
48. **POWER-OF-ATTORNEY** [as defined by section 2 (21)], not being a PROXY (No. 52),—		
(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents	Eight annas.	
(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882	Eight annas.	XV of 1882.
(c) when authorizing one person or more to act in a single transaction other than the case mentioned in clause (a) ...	One rupee.	
(d) when authorizing not more than five persons to act jointly and severally in more than one transaction or generally ...	Five rupees.	
(e) when authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally	Ten rupees.	
(f) when given for consideration and authorizing the attorney to sell any immoveable property	The same duty as a Conveyance (No. 23) for the amount of the consideration.	
(g) in any other case	One rupee for each person authorized. *N.B.*—The term "registration" includes every operation incidental to registration under the Indian Registration Act, 1877.	III of 1877.
Explanation.—For the purposes of this Article more persons than one when belonging to the same firm shall be deemed to be one person.		

The Indian Stamp Act.

(*Schedule I.—Stamp-duty on Instruments.*)

SCHEDULE I—*continued.*

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
49. **PROMISSORY NOTE** [as defined by section 2 (22)]	The same duty as a bill of exchange (No. 13) according as it is payable on demand or payable otherwise than on demand, as the case may be.
50. **PROTEST OF BILL OR NOTE,** that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note	One rupee.
51. **PROTEST BY THE MASTER OF A SHIP,** that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such	One rupee.
See also NOTE OF PROTEST BY THE MASTER OF A SHIP (No. 44).	
52. **PROXY** empowering any person to vote at any one election of the members of a district or local board or of a body of municipal commissioners, or at any one meeting of (*a*) members of an incorporated company or other body corporate whose stock or funds is or are divided into shares and transferable, (*b*) a local authority, or (*c*) proprietors, members or contributors to the funds of any institution...	One anna.
53. **RECEIPT** [as defined by section 2 (23)] for any money or other property the amount or value of which exceeds twenty rupees ...	One anna.
Exemptions.	
Receipt—	
(*a*) endorsed on or contained in any instrument duly stamped, or exempted under the proviso to section 3 (instruments executed on behalf of the Government) acknowledging the receipt of the consideration-money therein expressed, or the receipt of any principal-money, interest or annuity or other periodical payment thereby secured;	
(*b*) for any payment of money without consideration;	
(*c*) for any payment of rent by a cultivator on account of land assessed to Government revenue, or (in the Presidencies of Fort St. George and Bombay) of inám lands;	
(*d*) for pay or allowances by non-commissioned officers or soldiers of Her Majesty's Army or Her Majesty's Indian Army, when serving in such capacity, or by mounted Police-constables;	
(*e*) given by holders of family-certificates in cases where the person from whose pay or allowances the sum comprised in the receipt has been assigned is a non-commissioned officer or soldier of either of the said Armies, and serving in such capacity;	
(*f*) for pensions or allowances by persons receiving such pensions or allowances in respect of their service as such non-commissioned officers or soldiers, and not serving the Government in any other capacity;	
(*g*) given by a headman or lambardár for land-revenue or taxes collected by him;	

The Indian Stamp Act.

(*Schedule I.—Stamp-duty on Instruments.*)

SCHEDULE I—*continued.*

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
53. RECEIPT—*contd.*	
Exemptions—concld.	
(*h*) given for money or securities for money deposited in the hands of any banker, to be accounted for: Provided that the same is not expressed to be received of, or by the hands of, any other than the person to whom the same is to be accounted for: Provided also that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for or upon a letter of allotment of a share, or in respect of a call upon any scrip or share of, or in, any incorporated company or other body corporate or such proposed or intended company or body or in respect of a debenture being a marketable security.	
54. RECONVEYANCE OF MORTGAGED PROPERTY—	
(*a*) if the consideration for which the property was mortgaged does not exceed Rs. 1,000	The same duty as a Conveyance (No. 23) for the amount of such consideration as set forth in the Reconveyance.
(*b*) in any other case	Ten rupees.
55. RELEASE, that is to say, any instrument whereby a person renounces a claim upon another person or against any specified property—	
(*a*) if the amount or value of the claim does not exceed Rs. 1,000...	The same duty as a Bond (No. 15) for such amount or value as set forth in the Release.
(*b*) in any other case	Five rupees.
56. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination	The same duty as a Bond (No. 15) for the amount of the loan secured.
REVOCATION OF ANY TRUST OR SETTLEMENT.—*See* SETTLEMENT (No. 58); TRUST (No. 64).	
57. SECURITY BOND OR MORTGAGE-DEED executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof or executed by a surety to secure the due performance of a contract,—	
(*a*) when the amount secured does not exceed Rs. 1,000 ...	The same duty as a Bond (No. 15) for the amount secured.
(*b*) in any other case	Five rupees.
Exemptions.	
Bond or other instrument, when executed—	
(*a*) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act;	Beng. Ac III of 1876.
(*b*) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem;	
(*c*) under No. 3-A of the rules made by the Governor of Bombay in Council under section 70 of the Bombay Irrigation Act, 1879;	Bom. Act V of 1879.
(*d*) executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties, as security for the repayment of such advances;	XIX of 1883. XII of 1884.

The Indian Stamp Act.

(*Schedule I.—Stamp-duty on Instruments.*)

SCHEDULE I—*continued.*

Description of Instrument.	Proper Stamp-duty.
57. SECURITY BOND OR MORTGAGE-DEED—*contd.*	
Exemptions—concld.	
(*e*) executed by officers of Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.	
58. SETTLEMENT—	
A.—Instrument of, (including a deed of dower)	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property settled as set forth in such settlement: Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed eight annas.
Exemptions.	
(*a*) Deed of dower executed on the occasion of a marriage between Muhamadans.	
(*b*) Hludansa, that is to say, any settlement of immoveable property executed by a Buddhist in Burma for a religious purpose in which no value has been specified and on which a duty of Rs. 10 has been paid.	
B.—Revocation of—	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the Instrument of Revocation but not exceeding ten rupees.
See also Trust (No. 64).	
59. SHARE WARRANTS to bearer issued under the Indian Companies Act, 1882	Three-quarters of the duty payable on a Conveyance (No. 23) for a consideration equal to the nominal amount of the shares specified in the warrant. VI of 1882.
Exemption.	
Share warrant when issued by a company in pursuance of the Indian Companies Act, 1882, section 30, to have effect only upon payment, as composition for that duty, to the Collector of Stamp-revenue, of—	VI of 1882.
(*a*) three-quarters per centum of the whole subscribed capital of the company, or	
(*b*) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital—three-quarters per centum of the additional capital so issued.	
SCRIP.—*See* Certificate (No. 19).	
60. SHIPPING-ORDER for or relating to the conveyance of goods on board of any vessel	One anna.
61. SURRENDER OF LEASE—	
(*a*) when the duty with which the lease is chargeable does not exceed five rupees	The duty with which such lease is chargeable.
(*b*) in any other case	Five rupees.
Exemption.	
Surrender of lease, when such lease is exempted from duty.	
62. TRANSFER (whether with or without consideration)—	
(*a*) of shares in an incorporated company or other body corporate ...	One-quarter of the duty payable on a Conveyance (No. 23) for a consideration equal to the value of the share.

The Indian Stamp Act.

(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—*concluded.*

Description of Instrument.	Proper Stamp-duty.
62. TRANSFER—*contd.*	
(*b*) of debentures, being marketable securities whether the debenture is liable to duty or not, except debentures provided for by section 8	One-quarter of the duty payable on a Conveyance (No. 23) for a consideration equal to the face amount of the debenture.
(*c*) of any interest secured by a bond, mortgage-deed or policy of insurance,—	
(*i*) if the duty on such bond, mortgage-deed or policy does not exceed five rupees	The duty with which such bond, mortgage-deed or policy of insurance is chargeable.
(*ii*) in any other case	Five rupees.
(*d*) of any property under the Administrator General's Act, 1874, section 31	Ten rupees. II of 1874.
(*e*) of any trust-property without consideration from one trustee to another trustee or from a trustee to a beneficiary ...	Five rupees or such smaller amount as may be chargeable under clauses (*a*) to (*c*) of this Article.
Exemptions.	
Transfers by endorsement—	
(*a*) of a bill of exchange, cheque or promissory note;	
(*b*) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods;	
(*c*) of a policy of insurance;	
(*d*) of securities of the Government of India.	
See also section 8.	
63. TRANSFER OF LEASE by way of assignment and not by way of under-lease	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the consideration for the transfer.
Exemption. Transfer of any lease exempt from duty.	
64. TRUST—	
A.—DECLARATION OF—of, or concerning, any property when made by any writing not being a WILL	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding fifteen rupees.
B.—REVOCATION OF—of, or concerning, any property when made by any instrument other than a WILL ... ... *See also* SETTLEMENT (No. 58).	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding ten rupees.
VALUATION.—*See* APPRAISEMENT (No. 8).	
VAKIL.—*See* ENTRY AS A VAKIL (No. 30).	
65. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be	Four annas.

The Indian Stamp Act.

(*Schedule II.—Enactments repealed.*)

SCHEDULE II.

ENACTMENTS REPEALED.

(*See section 79.*)

No.	Year.	Short title.	Extent of repeal.
I	1879 ...	The Indian Stamp Act, 1879 ...	The whole.
VI	1882 ...	The Indian Companies Act, 1882 ...	Section 35.
IX	1884 ...	The Legal Practitioners Act, 1884 ...	Section 10.
I	1888 ...	The Indian Stamp Act (1879) Amendment Act, 1888.	The whole.
V	1888 ...	The Inventions and Designs Act, 1888 ...	So much of the first schedule as relates to the Indian Stamp Act, 1879 (I of 1879).
XVIII	1888 ...	The Burma Financial Commissioner's Act, 1888.	So much of the schedule as relates to the Indian Stamp Act, 1879 (I of 1879).
VI	1889 ...	The Probate and Administration Act, 1889.	Sub-sections (3) and (4) of section 18.
XX	1890 ...	The North-Western Provinces and Oudh Act, 1890.	So much of section 38 as relates to the Indian Stamp Act, 1879 (I of 1879).
XII	1891 ...	The Repealing and Amending Act, 1891	So much of Part I of the first and second schedules as relates to the Indian Stamp Act, 1879 (I of 1879).
VI	1894 ...	The Indian Stamp Act (1879) Amendment Act, 1894.	The whole.
XIII	1897 ...	The Indian Stamp Act (1879) Amendment Act, 1897.	The whole.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd February, 1899, and is hereby promulgated for general information :—

ACT NO. IV OF 1899.

An Act to provide for the exemption from the operation of municipal building laws of certain buildings and lands which are the property, or in the occupation, of the Government and situate within the limits of a municipality.

WHEREAS it is expedient to provide for the exemption from the operation of municipal building laws of certain buildings and lands which are the property, or in the occupation, of the Government and situate within the limits of a municipality ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Government Buildings Act, 1899.

(*2*) It extends to the whole of British India ; and

(*3*) It shall come into force at once.

"Municipal authority" defined.

2. In this Act the expression "municipal authority" includes a municipal corporation or a body of municipal commissioners constituted by, or under the provisions of, any law or enactment for the time being in force.

Exemption of certain Government buildings from municipal laws to regulate the erection, etc., of buildings within municipalities.

3. Nothing contained in any law or enactment for the time being in force to regulate the erection, re-erection, construction, alteration or maintenance of buildings within the limits of any municipality shall apply to any building used or required for the public service or for any public purpose, which is the property, or in the occupation, of the Government, or which is to be erected on land which is the property, or in the occupation, of the Government :

Provided that, where the erection, re-erection, construction or material structural alteration of any such building as aforesaid (not being a building connected with Imperial defence, or a building the plan or construction of which ought, in the opinion of the Government, to be treated as confidential or secret) is contemplated, reasonable notice of the proposed work shall be given to the municipal authority before it is commenced.

Objections or suggestions as to erection, etc., of certain Government buildings within municipalities how to be made and dealt with.

4. (*1*) In the case of any such building as is mentioned in the last preceding section (not being a building connected with Imperial defence, or a building the plan or construction of which ought, in the opinion of the Government, to be treated as confidential or secret), the municipal authority, or any person authorized by it in this behalf, may, with the permission of the Local Government previously obtained, but not otherwise, and subject to any restrictions or conditions which may, by general or special order, be imposed by the Local Government, inspect the land and building and all plans connected with its erection, re-erection,

construction or material structural alteration, as the case may be, and may submit to the Local Government a statement in writing of any objections or suggestions which such municipal authority may deem fit to make with reference to such erection, re-erection, construction or material structural alteration.

(2) Every objection or suggestion submitted as aforesaid shall be considered by the Local Government, which shall, after such investigation (if any) as it shall think advisable, pass orders thereon, and the building referred to therein shall be erected, re-erected, constructed or altered, as the case may be, in accordance with such orders:

Provided that, if the Local Government overrules or disregards any such objection or suggestion as aforesaid, it shall give its reasons for so doing in writing.

(3) Every order passed by the Local Government under this section shall be subject to revision by the Governor General in Council, but not otherwise, and the decision of the Governor General in Council thereon shall be final.

H. W. C. CARNDUFF,
Offg. Secy. to the Govt. of India.

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LAHORE, THURSDAY, FEBRUARY 23, 1899.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th February, 1899, and is hereby promulgated for general information:—

ACT No. V OF 1899.

An Act to further amend the Indian Evidence Act, 1872.

of 1872. WHEREAS it is expedient to further amend the Indian Evidence Act, 1872; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Evidence Act, 1899; and

(*2*) It shall come into force at once.

Addition to section 37, Act I, 1872.

of 1872. 2. To section 37 of the Indian Evidence Act, 1872, the following shall be added, namely:—

"This section applies also to any Act of the Lieutenant-Governor in Council of the North-Western Provinces and Oudh, the Punjab or Burma."

Amendment of section 45, and addition to section 73, Act I, 1872.

3. (*1*) In section 45 of the said Act, as amended by section 4 of the Indian Evidence Act Amendment Act, after the word "handwriting," in each of the two places in which it occurs, the words "or finger-impressions" shall be inserted. XVIII of 1872.

(*2*) To section 73 of the said Act the following shall be added, namely:—

"This section applies also, with any necessary modifications, to finger-impressions."

Amendment of section 86, Act I, 1872.

4. In section 86 of the said Act, as amended by section 8 of the Indian Evidence Act (1872) Amendment Act, 1891, for the second paragraph the following shall be substituted, namely:— III of 1891.

"An officer who, with respect to any territory or place not forming part of Her Majesty's dominions, is a Political Agent therefor, as defined in section 3, clause (40), of the General Clauses Act, 1897, shall, for the purposes of this section, be deemed to be a representative of the Government of India in and for the country comprising that territory or place." X of 1897.

Partial repeal of section 8, Act III, 1891.

5. In section 8 of the Indian Evidence Act (1872) Amendment Act, 1891, the words and figures from "and to the same" to the end of the section are hereby repealed. III of 1891.

H. W. C. CARNDUFF,

Offg. Secy. to the Govt. of India.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 17th February, 1899, and is hereby promulgated for general information:—

ACT NO VI OF 1899.

An Act to amend the Indian Contract Act, 1872.

IX of 1872. WHEREAS it is expedient to amend the Indian Contract Act, 1872; It is hereby enacted as follows:—

Short title, commencement and application.

1. (*1*) This Act may be called the Indian Contract Act Amendment Act, 1899.

(*2*) It shall come into force on the first day of May, 1899; and

(*3*) It shall apply to every contract in respect of which any suit is instituted, or which is put in issue in any suit, after the commencement of this Act.

IX of 1872.

Substitution of new section for section 16, Act IX, 1872.

2. Section 16 of the Indian Contract Act, 1872, is hereby repealed, and the following is substituted therefor, namely:—

"Undue influence" defined.

16. (*1*) A contract is said to be induced by "undue influence" where the relations subsisting between the parties are such that one of the parties is in a position to dominate the will of the other and uses that position to obtain an unfair advantage over the other.

(*2*) In particular and without prejudice to the generality of the foregoing principle, a person is deemed to be in a position to dominate the will of another—

(*a*) where he holds a real or apparent authority over the other, or where he stands in a fiduciary relation to the other; or

(*b*) where he makes a contract with a person whose mental capacity is temporarily or permanently affected by reason of age, illness, or mental or bodily distress.

(*3*) Where a person who is in a position to dominate the will of another, enters into a contract with him, and the transaction appears, on the face of it or on the evidence adduced, to be unconscionable, the burden of proving that such contract was not induced by undue influence shall lie upon the person in a position to dominate the will of the other.

Nothing in this sub-section shall affect the provisions of section 111 of the Indian Evidence Act, 1872. I of 1872.

Illustrations.

(*a*) A having advanced money to his son, B, during his minority, upon B's coming of age obtains, by misuse of parental influence, a bond from B for a greater amount than the sum due in respect of the advance. A employs undue influence.

(*b*) A, a man enfeebled by disease or age, is induced, by B's influence over him as his medical attendant, to agree to pay B an unreasonable sum for his professional services. B employs undue influence.

(c) A, being in debt to B, the money-lender of his village, contracts a fresh loan on terms which appear to be unconscionable. It lies on B to prove that the contract was not induced by undue influence.

(d) A applies to a banker for a loan at a time when there is stringency in the money market. The banker declines to make the loan except at an unusually high rate of interest. A accepts the loan on these terms. This is a transaction in the ordinary course of business, and the contract is not induced by undue influence.'

Amendment of section 19 of, and addition of new section to, Act IX, 1872.

3. In section 19 of the said Act the words "undue influence" are hereby repealed, and after the same section the following is inserted, namely:—

Power to set aside contract induced by undue influence.

"19A. When consent to an agreement is caused by undue influence, the agreement is a contract voidable at the option of the party whose consent was so caused.

Any such contract may be set aside either absolutely or, if the party who was entitled to avoid it has received any benefit thereunder, upon such terms and conditions as to the Court may seem just.

Illustrations.

(a) A's son has forged B's name to a promissory note. B, under threat of prosecuting A's son, obtains a bond from A for the amount of the forged note. If B sues on this bond, the Court may set the bond aside.

(b) A, a money-lender, advances Rs. 100 to B, an agriculturist, and, by undue influence, induces B to execute a bond for Rs. 200 with interest at 6 per cent. per month. The Court may set the bond aside, ordering B to repay the Rs. 100 with such interest as may seem just."

Amendment of section 74, Act IX, 1872.

4. (1) Section 74, paragraph one, of the said Act is hereby repealed and the following is substituted therefor, namely:—

Compensation for breach of contract where penalty stipulated for.

"74. When a contract has been broken, if a sum is named in the contract as the amount to be paid in case of such breach, or if the contract contains any other stipulation by way of penalty, the party complaining of the breach is entitled, whether or not actual damage or loss is proved to have been caused thereby, to receive from the party who has broken the contract reasonable compensation not exceeding the amount so named or, as the case may be, the penalty stipulated for.

Explanation.—A stipulation for increased interest from the date of default may be a stipulation by way of penalty."

(2) After *illustration* (c) to the said section the following *illustrations* shall be added, namely:—

"(d) A gives B a bond for the repayment of Rs. 1,000 with interest at 12 per cent. at the end of six months, with a stipulation that, in case of default, interest shall be payable at the rate of 75 per cent. from the date of default. This is a stipulation by way of penalty, and B is only entitled to recover from A such compensation as the Court considers reasonable.

(e) A, who owes money to B, a money-lender, undertakes to repay him by delivering to him 10 maunds of grain on a certain date, and stipulates that, in the event of his not delivering the stipulated amount by the stipulated date, he shall be liable to deliver 20 maunds. This is a stipulation by way of penalty, and B is only entitled to reasonable compensation in case of breach.

(f) A undertakes to repay B a loan of Rs. 1,000 by five equal monthly instalments, with a stipulation that, in default of payment of any instalment, the whole shall become due. This stipulation is not by way of penalty, and the contract may be enforced according to its terms.

(g) A borrows Rs. 100 from B and gives him a bond for Rs. 200 payable by five yearly instalments of Rs. 40, with a stipulation that, in default of payment of any instalment, the whole shall become due. This is a stipulation by way of penalty."

H. W. C. CARNDUFF,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 17th February, 1899, and is hereby promulgated for general information :—

ACT NO. VIII OF 1899.

THE INDIAN PETROLEUM ACT, 1899.

CONTENTS.

An Act to consolidate and amend the law relating to the importation, possession and transport of petroleum and other substances.

WHEREAS it is expedient to consolidate and amend the law relating to the importation, possession and transport of petroleum and other substances; It is hereby enacted as follows:—

Preliminary.

Short title, commencement and extent.

1. (*1*) This Act may be called the Indian Petroleum Act, 1899; and

(*2*) It shall come into force at once.

(*3*) Sections 1 to 3, section 25, and all the provisions of this Act in so far as they relate to dangerous petroleum and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may, by notification in the local official Gazette, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "petroleum" includes also—

(*i*) the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, paraffin oil, mineral oil, kerosine, petroline, gasoline, benzoline, benzine and benzol;

(*ii*) any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any product of petroleum; and

(*iii*) any liquid, or viscous mixture having in its composition any of the liquids aforesaid;

but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer:

(*b*) "dangerous petroleum" means petroleum having its flashing point below seventy-six degrees of Fahrenheit's thermometer:

Provided that, when all or any of the petroleum on board a ship, or in the possession of a dealer, is declared by the master of the ship or the consignee of the cargo, or by the dealer, as the case may be, to be of one uniform quality, the petroleum shall not be deemed to be dangerous, if the samples selected from the petroleum have their flashing points, on an average, at or above seventy-three degrees of Fahrenheit's thermometer, and if no one of these samples has its flashing point below seventy degrees of that thermometer:

(*c*) to "import" means to bring into British India by sea or land:

(*d*) to "transport" means to remove within British India from one place to another:

(*e*) "prescribed" means prescribed by rules made under this Act: and

(*f*) "ship" includes anything made for the conveyance by water of human beings or property.

Matters supplemental to definitions.

3. (*1*) The "flashing point" of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested in accordance with the directions in the first schedule with an apparatus which has been stamped and certified as provided by this Act within a period of five years immediately preceding the date on which the apparatus is used for the testing, and after the corrections (if any) which the certificate declares are to be applied to the results of the testing, have been made.

(*2*) Notwithstanding anything in the definitions of "import" and "transport," the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare—

(*a*) that petroleum imported into the Province from any part of British India, by sea or across intervening territory not being part of British India, shall, for all or any of the purposes of this Act, be deemed to be transported; and

(*b*) that petroleum transported into the Province from any place in British India shall, for all or any of those purposes, be deemed to be imported;

and thereupon the provisions of this Act and of the rules made under this Act, with respect to transport and import, respectively, shall apply to petroleum so imported or transported.

Power to vary tests and prescribe new tests.

4. (*1*) The Governor General in Council may, by notification in the Gazette of India, alter or add to the first schedule by laying down new or varied tests and directions for preparing and using them; and, after the issue of any such notification as aforesaid, the reference in section 3, sub-section (*1*), to the first schedule shall be construed as referring to the said schedule as so altered or added to for the time being.

(*2*) The Governor General in Council may, in like manner, lay down special tests and issue special instructions in respect of the testing of any substance other than petroleum to which the whole or any portion of this Act may be applied in exercise of the power conferred by section 22, and for which the tests in the first schedule are unsuitable.

X of 1897. (3) The provisions of section 23 of the General Clauses Act, 1897, shall apply to notifications under this section as if they were rules or orders required to be made after previous publication.

Dangerous Petroleum.

Dangerous petroleum in quantities exceeding forty gallons.

5. (1) No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported or kept by any one person or on the same premises, except under, and in accordance with the conditions (if any) of, a license from the Local Government granted as next hereinafter provided.

(2) Every application for such a license shall be in writing in the prescribed form, and shall contain the prescribed particulars.

Dangerous petroleum in quantities not exceeding forty gallons.

6. No quantity of dangerous petroleum equal to, or less than, forty gallons shall be kept or transported without a license:

Provided that nothing in this section shall apply in any case where the quantity of the petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and the petroleum is placed in separate glass, stoneware or metal vessels, each of which contains not more than a pint and is securely stopped.

Vessels containing dangerous petroleum to be labelled.

7. Dangerous petroleum—

(a) which is imported and is kept at any place after seven days from the date of its importation, or

(b) which is transported, or

(c) which is sold or exposed for sale,

shall be contained in vessels having attached thereto labels in conspicuous characters stating the description of the petroleum, with the addition of the words "highly inflammable" and with the addition,—

(d) in the case of a vessel kept, of the name and address of the consignee or owner;

(e) in the case of a vessel transported, of the name and address of the sender; and,

(f) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

Petroleum generally.

Power for Governor General in Council to make rules.

8. (1) The Governor General in Council may make rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the granting of licenses to transport petroleum from any part of British India to any other part of British India in cases in which such licenses are by law required.

Power for Local Government to make rules.

9. (1) The Local Government, with the previous sanction of the Governor General in Council, may make rules to regulate the importation of petroleum and the granting of licenses to possess or to transport petroleum within the Province in cases in which such licenses are by law required.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) determine the ports at which alone petroleum may be imported;

(b) provide for ascertaining the quantity and description of any petroleum on board any ship;

(c) determine the places at which, and the conditions on and subject to which, petroleum may be discharged into boats, landed, transhipped or stored;

(d) provide for the selection by an officer appointed by the Local Government in this behalf, and for the delivery to him, either after or before petroleum has been landed, of samples of all petroleum landed or intended to be landed;

(e) provide, in the case of each consignment which is stated to be of one uniform quality, for the number of samples to be selected, and for the averaging of the results of the testing of those samples;

(f) provide, where the results of the testing of the samples raise a doubt as to the uniformity of the quality of the petroleum in any such consignment, for the division of the consignment into lots, and for the selection and testing of samples of each lot, and for the treatment of the lot in accordance with the results of the testing of those samples;

(g) fix fees for the sampling and testing of petroleum;

(h) fix fees for the storage of petroleum unless any local authority is empowered in that behalf;

(i) define, with respect to any petroleum produced within the Province, the limits of the places in which such petroleum is to be refined;

(j) provide for the testing at or near those places of petroleum so produced;

(*k*) prevent the removal from those limits, otherwise than under the provisions of this Act applicable to dangerous petroleum, of petroleum so produced which has not satisfied the prescribed tests;

(*l*) prescribe the authority by which licenses to possess or to transport petroleum may be granted;

(*m*) fix the fee to be charged for any such license;

(*n*) limit the quantity of petroleum to be covered by any such license;

(*o*) prescribe the conditions which may be inserted in any such license;

(*p*) limit the time during which any such license is to continue in force;

(*q*) provide for the renewal of any such license;

(*r*) provide for the nature and situation of the premises in respect of which licenses to possess petroleum may be granted, the inspection of premises so licensed and the testing of petroleum found thereon; and

(*s*) prescribe the manner in which the petroleum covered by a license to transport is to be packed, the mode and time of its transit, the route by which it is to be taken, and its stoppage and inspection during transit.

Procedure after petroleum has been discharged or landed.

10. (*1*) Petroleum discharged into boats or landed in accordance with rules made under section 9, sub-section (*2*), shall not be removed from the boats or places in or at which it is stored until the samples selected therefrom in accordance with those rules have been tested by an officer appointed by the Local Government in this behalf and the officer has given a certificate that the petroleum is not dangerous petroleum.

(*2*) If the officer, after testing the samples, refuses to give the certificate in respect of any petroleum, the Local Government may permit the consignee, within a time to be fixed by the Local Government in this behalf,—

(*a*) to rectify the petroleum,

(*b*) to apply for a license to import the petroleum as dangerous petroleum, or

(*c*) to re-export the petroleum.

(*3*) If the consignee does not, within the time fixed under sub-section (*2*), avail himself of the permission granted under that sub-section, the petroleum may be disposed of as the Local Government may direct.

(*4*) Notwithstanding anything in the foregoing provisions of this section, the Local Government, in its discretion, may, where the officer has refused the certificate, direct that the petroleum be re-tested by another officer appointed by it in this behalf, and may, if that officer advises that the petroleum is not dangerous petroleum, authorize its removal from the boats or places in or at which it is stored.

Possession and transport of petroleum.

11. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person or on the same premises, or shall be transported, except under, and in accordance with the conditions of, a license granted under this Act:

Provided that the Local Government may, by notification in the local official Gazette, exempt from the operation of this section petroleum when transported in such particular manner and under such particular conditions as may be set forth in the notification.

Power to inspect and require dealer to sell samples.

12. Any officer specially authorized in this behalf by the Local Government may require any dealer in petroleum to show him any place and any of the vessels in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of the petroleum on payment of the value of the samples.

Notice to be given when officer proposes to test samples.

13. When any such officer has, in exercise of the powers conferred by section 12, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to the dealer informing him that he is about to test the sample, or cause it to be tested, at a time and place to be fixed in the notice, and that the dealer or his agent may be present at the testing.

Certificate as to result of testing.

14. On any such testing, if it appears to the officer or other person so testing that the petroleum from which the sample has been taken, is or is not dangerous petroleum, the officer or other person may certify the fact; and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession the petroleum was found, and shall, until the contrary is proved, be proof of the fact stated therein; and a certified copy of the certificate shall be given, free of charge, to the dealer at his request.

Penalties.

Penalty for illegal importation, possession or transport of petroleum or for refusal to comply with section 12.

15. Whoever,—

(*a*) in contravention of this Act or of any of the rules thereunder, imports, possesses or transports any petroleum; or

(*b*) otherwise contravenes any such rules as aforesaid ; or

(*c*) breaks any condition contained in a license granted under this Act ; or,

(*d*) being a dealer in petroleum, refuses or neglects to show to any officer authorized under section 12 any place or any of the vessels in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of the petroleum on payment of the value of the samples ;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for contravention of section 7.

16. Whoever keeps, sells or exposes for sale dangerous petroleum in vessels not labelled as prescribed by section 7 shall be punishable with fine which may extend to five hundred rupees.

Confiscation of petroleum.

17. In any case in which an offence under section 15, clause (*a*), clause (*b*) or clause (*c*), or section 16 has been committed, the convicting Magistrate may direct that—

(*a*) the petroleum in respect of which the offence has been committed, or,

(*b*) where the offender is importing or transporting, or is in possession of, any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing or transporting or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

Jurisdiction.

18. The criminal jurisdiction under this Act shall, in the Presidency-towns, be exercised by a Presidency Magistrate, and, elsewhere, by a Magistrate of the first class or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Test-apparatus.

Model test-apparatus.

19. A model of the apparatus for testing petroleum under this Act shall be deposited in the office of the Chemical Examiner to Government, Calcutta, and be marked with the words "Model test-apparatus."

Verification of test-apparatus.

20. (*1*) The Chemical Examiner shall, on payment of the prescribed fee (if any), compare with the said model test-apparatus and verify every apparatus for testing petroleum which is submitted to him for the purpose.

(*2*) If any apparatus for testing petroleum, when compared and verified as provided by sub-section (*1*), is found correct, or correct subject to certain corrections to be applied to the results of the tests, the Chemical Examiner shall stamp the same with a special number and with the date of the verification, and shall further give a certificate in writing under his hand, in the prescribed form, to the effect that on the date aforesaid the apparatus was compared and verified by him and found to be correct, or correct subject to certain specified corrections to be applied to the results of the tests.

(*3*) A certificate granted under this section shall, until the contrary is proved, be proof of the matters stated therein.

(*4*) The Chemical Examiner shall keep a register, in the prescribed form, of all certificates granted under this section.

(*5*) Subject to the payment of the prescribed fees (if any), the said model test-apparatus shall be at all reasonable times open to inspection by any person desiring to inspect it.

Miscellaneous.

Power to exempt petroleum from operation of Act.

21. The Local Government may, by notification in the local official Gazette, exempt from the operation of all or any of the provisions of this Act, or of all or any of the rules made under this Act, any petroleum which has its flashing point at or above one hundred and twenty degrees of Fahrenheit's thermometer and is imported as ordinary cargo and in quantity not exceeding that specified in the notification.

Power to apply Act to other substances.

22. (*1*) The Governor General in Council may, by notification in the Gazette of India, apply the whole or any portion of this Act to any substance, other than petroleum, and may by the notification fix, in substitution for the quantities of petroleum fixed by sections 5, 6 and 11, the quantities of the substance to which those sections shall apply.

(*2*) When the whole or any portion of this Act has been applied as aforesaid to any substance other than petroleum, the provisions so applied shall be construed with all necessary modifications and shall have effect as if such other substance had been included in the definition of petroleum.

Power to limit operation of enactments, relating to possession or transport of petroleum, in municipalities.

23. The Governor General in Council may, by notification in the Gazette of India and in the local official Gazette, limit, in any manner he deems fit, the operation of any enactment for the time being in force relating to local authorities in any local area or to any particular local authority, and the exercise of any power conferred by any such enactment, in so far as the enactment relates to the possession or transport of petroleum.

Previous publication, etc., of rules.

24. (*1*) Every power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication in such manner as the Governor General in Council may, by notification in the Gazette of India, direct.

(*2*) All rules made by the Governor General in Council or by the Local Government under this Act shall be published in the Gazette of India or the local official Gazette, as the case may be, and on such publication shall have effect as if enacted by this Act.

Repeal.

25. The enactments mentioned in the second schedule are hereby repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE.

TESTING.

(See section 3.)

I.—Nature of the Test-apparatus.

The apparatus consists of the following parts :—

(1) the oil-cup ;

(2) the cover, with slide, test-lamp, and clockwork arrangement for opening and closing the holes in the cover and for dipping the test-flame;

(3) the water-bath or heating vessel ;

(4) the tripod stand with jacket and spirit-lamp for heating the water-bath ;

(5) the thermometer for indicating the temperature of the oil in the oil-cup ;

(6) the thermometer for indicating the temperature of the water in the water-bath ;

(7) the thermometer for indicating the temperature of the oil before it is poured into the oil-cup ;

(8) the dropping bottle or *pipette* for replenishing the test-lamp ; and

(9) a barometer standardised at the Meteorological Office of the Province or at any other place appointed by the Local Government.

The oil-cup is a cylindrical flat-bottomed vessel made of gun-metal or brass, and tinned or silvered inside. A gauge is fixed to the inside of the cup to regulate the height to which it is to be filled with the sample under examination.

The cup is provided with a close-fitting overlapping cover, which carries the thermometer, the test-lamp and the adjuncts thereto. The test lamp is suspended upon two supports by means of trunnions, which allow it to be easily inclined to a particular angle and restored to its original position. The socket in the cover, which is to hold a round bulb thermometer for indicating the temperature of the oil during the testing operation, is so adjusted that the bulb of the latter is always inserted in a definite position below the surface of the liquid.

The cover is provided with three holes, one in the centre and two smaller ones close to the sides. These are closed and opened by means of a pivoted slide. When the slide is moved so as to uncover the holes, the suspended lamp is caught by a projection fixed on the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. As the slide moves back so as to cover the holes, the lamp returns to its original position. Upon the cover, in front of and in a line with the nozzle of the lamp, is fixed a white bead, the diameter of which represents the size of the test-flame to be used.

The water-bath or heating vessel is so constructed that, when the oil-cup is placed in position in it, an air-space or air-chamber intervenes between the two ; consequently, in applying the test under ordinary circumstances, the heat is transmitted gradually to the oil from the hot water through the air-space. The water-bath is fitted with a socket for receiving a long bulb thermometer, to indicate the temperature of the water. It is also provided with a funnel, an overflow-pipe and two handles.

The water-bath rests upon a tripod stand, which is fitted with a copper cylinder or jacket, so that the bath is surrounded by an enclosed air-space, which retains and regulates the heat. One of the legs of the stand serves as a support for a spirit-lamp, which is attached to it by a small swing bracket.

The clockwork arrangement, by which during the operation of testing the slide is withdrawn, and the test-flame dipped into the cup and raised again as the slide is replaced, is provided with a ratchet key for setting it in action for each test, and with a trigger for starting it each time that the test-flame is applied.

II.—Directions for drawing the Sample and preparing it for testing.

1. *Drawing the sample.*—In all cases the testing officer or some person duly authorised by him shall personally superintend the drawing of the sample from an original unopened tin or other vessel.

An opening sufficiently large to admit of the oil being rapidly poured or cyphoned from the tin or other vessel shall be made.

Two bottles, each of the capacity of about forty fluid ounces, are to be filled with the oil. One of these, the contents of which is intended to be preserved for reference in case of need, is to be carefully corked, the cork being well driven home, cut off level with the neck, and melted sealing-wax worked into it. The other bottle may be either stoppered or corked.

2. *Preparing the sample for testing.*—About ten fluid ounces of the oil, sufficient for three tests, are transferred from the bottle into which the sample has been drawn to a pint flask or bottle, which is to be immersed in water artificially cooled until a thermometer, introduced into the oil, indicates a temperature not exceeding 50° Fahrenheit.

III.—Directions for preparing and using the Test-apparatus.

1. *Preparing the water-bath.*—The water-bath is filled by pouring water into the funnel until it begins to flow out at the overflow-pipe. The temperature of the water at the commencement of each test, as indicated by the long bulb thermometer, is to be 130° Fahrenheit, and this is attained in the first instance by mixing hot and cold water, either in the bath or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication ; or the water is heated by means of the spirit-lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

2. *Preparing the test-lamp.*—The test-lamp is fitted with a piece of cylindrical wick of such thickness that it fills the wick-holder, but may readily be moved to and fro for the purpose of adjusting the size of the flame. In the body of the lamp, upon the wick, which is coiled within it, is placed a small tuft of cotton wool, moistened with petroleum, any oil not absorbed by the wool being removed. When the lamp has been lighted, the wick is adjusted by means of a pair of forceps until the flame is of the size of the bead fixed on the cover of the oil-cup; should a particular test occupy so long a time that the flame begins to get smaller, through the supply of oil in the lamp becoming exhausted, three or four drops of petroleum are allowed to fall upon the tuft of wool in the lamp from the dropping bottle or *pipette* provided for that purpose. This can be safely done without interrupting the test.

3. *Filling the oil-cup.*—The oil-cup having been previously cooled, by placing it bottom downwards in water at a temperature not exceeding 50° Fahrenheit, is to be rapidly wiped dry, placed on a level surface in a good light, and the oil to be tested is poured in very slowly, without splashing, until its surface is level with the point of the gauge which is fixed in the cup. The round bulb thermometer is inserted into the lid of the cup, care being taken that the projecting rim of the collar touches the edge of the socket ; the test-lamp, prepared as already described, is placed in position, and the cover is then put on to the cup and pressed down so that its edge rests on the rim of the cup.

4. *Application of the test.*—The water-bath, with its thermometer in position, is placed in some locality where it is not exposed to currents of air, and where the light is sufficiently subdued to admit of the size of the entire

test-flame being compared with that of the bead on the cover. The cup is carefully lifted without shaking it, and placed in the bath, the test-lamp is lighted, and the clockwork wound up by turning the key. The thermometer in the oil-cup is now watched, and, when the temperature has reached 56° Fahrenheit, the clockwork is set in motion by pressing the trigger.

If no flash takes place, the clockwork is at once rewound and the trigger pressed at 57° Fahrenheit, and so on, at every degree rise of temperature, until the flash occurs, or until a temperature of 95° Fahrenheit has been reached.

If the flash takes place at any temperature below 77° Fahrenheit, the temperature at which it occurs is to be recorded. Two fresh portions of the sample are then to be successively tested in a similar manner and the results recorded. If no greater difference than 2° Fahrenheit exists between any two of the three recorded results, and if in no instance the flash has taken place within eight degrees of the temperature at which the testing is commenced, each result is to be corrected for atmospheric pressure as hereafter described, and the average of the three corrected results is the flashing point of the sample. In the event of there being a greater difference than 2° Fahrenheit between any two of the results, while in no instance has the flash taken place within eight degrees of the temperature at which the testing was commenced, the series of tests is to be rejected, and a fresh series of three similarly obtained, and so on, until a sufficiently concordant series is furnished, when the results are to be corrected and the average taken in the manner already described.

If, however, a flash has occurred at or below 64° when the test is applied in the manner above described, the next testing shall be commenced ten degrees lower than the temperature at which the flash had been previously obtained (that is to say, at 54° or thereunder), and this procedure shall be continued until the results of three consecutive tests do not show a greater difference than 2° and until a flash has not occurred in any of the three tests within eight degrees of the temperature at which the testing is commenced: Provided always that, if at the commencement of the series of tests a flash has occurred on the first application of the test-flame at 56°, and if a flash has also occurred on the first application of the flame in each of three successive tests in which, thereupon, the test-flame is first applied at 46° as above directed, the testing officer shall certify that the petroleum has a flashing point below 47°, and the sample shall be reported dangerous.

If a temperature of 76° Fahrenheit has been reached without a flash occurring, the application of the test-flame is to be continued at every degree rise of temperature until a temperature of 95° Fahrenheit has been reached. If no flash has occurred up to this point, and if the petroleum is declared to be imported subject to the provisions of the Act, the tests shall not be continued, and the testing officer shall certify that the petroleum has a flashing point over 95° and is not dangerous. But, if the petroleum is oil ordinarily used for lubricating purposes and is declared to have its flashing point at or above 200° or is oil to which a notification of the Local Government exempting it from the operation of the Act will be applicable in the event of the flashing point being found to be at or above 120°, the test shall be continued as follows :—The oil-cup is to be removed from the water-bath, and the temperature of the water in the water-bath is to be reduced to 95° Fahrenheit by pouring cold water into the funnel (the hot water escaping by the overflow-pipe). The air-chamber is then to be filled to a depth of 1½ inches with water at a temperature of about 95° Fahrenheit, the oil-cup is to be replaced in the water-bath and the spirit-lamp attached to the water-bath is to be lighted and placed underneath. The test-flame is then to be again applied, from 96° Fahrenheit, at every degree rise of temperature as indicated by the thermometer in the oil-cup until a flash takes place or until a temperature of 200° Fahrenheit or 120° Fahrenheit, as the case may be, has been reached. If during this operation the test-flame appears to diminish in size, the lamp is to be replenished in the manner prescribed at (2) without interrupting the test.

If a flash occurs at any temperature between 76° and 200° Fahrenheit, the temperature at which it occurs, subject to correction for atmospheric pressure, is the flashing point of the sample.

In repeating a test a fresh sample of oil must always be used, the tested sample being thrown away, and the cup must be wiped dry from any adhering oil and cooled, as already described, before receiving the fresh sample.

5. *Correction for atmospheric pressure.*—As the flashing point of an oil is influenced by changes in atmospheric pressure to an average extent of 1·6° Fahrenheit for every inch of the barometer, a correction of the observed flashing point may become necessary. The height of the barometer must therefore be determined at the time of making the test for the flashing point. The true height of the barometer for the purpose of the test shall be considered to be the height of the column of mercury measured at 32° Fahrenheit, which is supported by the air pressure at the time of the experiment; that is, the actual height of the barometer at the time of observation duly corrected for any error of the instrument and for its temperature, if necessary. For the purpose of applying the correction to the flashing point of the oil obtained by the test, a table is appended to this schedule giving the flashing points of oils ranging from 65° to 80° Fahrenheit, under pressure ranging from 27 to 31 inches of mercury.

The table is used in the following manner :—

Example.—An oil has given a flashing point of 71°, the barometer being at 28·6 inches; take the nearest number to 71° in the vertical column headed 28·6. This number is 70·8. Substitute for this the number in the same horizontal line in the column headed 30 (the normal height of the barometer). The substituted number, that is, the true flashing point of the oil, is 73°.

IV.—Directions for determining the flashing point of petroleum which is not fluid at ordinary temperatures.

1. *Nature of the test-apparatus.*—The instrument employed is the Abel-Pensky petroleum testing apparatus, fitted with an additional thermometer to indicate the temperature of the oil in close proximity to the walls of the cup. This thermometer has a cylindrical bulb, ⅞ inch in length and $\frac{3}{16}$ inch in diameter. It is scaled from 45° to 165° Fahrenheit, ten degrees on the scale occupying ⅜ inch. The thermometer is held vertically in a socket attached to the cover of the oil-cup in such a position that the bulb is $\frac{1}{16}$ inch from the side of the cup.

(The thermometer can be removed and the orifice which is provided for it closed by means of an india-rubber plug, if the apparatus is required for testing petroleum in the ordinary way.)

2. *Directions for preparing the sample for testing.*—About ten fluid ounces of the oil are placed in a pint-flask, the mouth of which is then closed with an india-rubber stopper, and the sample is liquified by placing the flask in a water-bath, the temperature of which is only raised sufficiently high to liquify the oil.

3. *Directions for preparing and using the test-apparatus.*—The water-bath and test-lamp are to be prepared in the manner prescribed in Part III of this Schedule. The oil-cup is to be filled with the liquified oil, and the cover (into which both thermometers are to be previously inserted) placed on it, care being taken that the bulb of the additional thermometer is not brought into contact with the bracket-guage fixed inside the cup. The oil-cup is then to be placed in a refrigerator, or plunged up to the projecting collar in water maintained at sufficiently low temperature, until both thermometers indicate the temperature at which the testing of petroleum is directed in Part III of this Schedule to be commenced. The oil-cup is then to be removed, wiped dry placed in the water-bath, and the testing effected in the manner prescribed in Part III of this Schedule, the temperature indicated by the additional (vertical) thermometer alone being noted, and the average of three determinations, duly corrected for atmospheric pressure, being recorded as the flashing point of the sample, provided that no greater difference than 4° Fahrenheit exists between any two of such results.

Table for correction of Flashing Points indicated by the test for Variations in Barometric Pressure on either side of Thirty Inches.

Barometer in inches.

27	27·2	27·4	27·6	27·8	28	28·2	28·4	28·6	28·8	29	29·2	29·4	29·6	29·8	30	30·2	30·4	30·6	30·8	31
Flashing Point in Degrees Fahrenheit.																				
60·2	60·5	60·8	61·2	61·5	61·8	62·1	62·4	62·8	63·1	63·4	63·7	64	64·4	64·7	65	65·3	65·6	66	66·3	66·6
61·2	61·5	61·8	62·2	62·5	62·8	63·1	63·4	63·8	64·1	64·4	64·7	65	65·4	65·7	66	66·3	66·6	67	67·3	67·6
62·2	62·5	62·8	63·2	63·5	63·8	64·1	64·4	64·8	65·1	65·4	65·7	66	66·4	66·7	67	67·3	67·6	68	68·3	68·6
63·2	63·5	63·8	64·2	64·5	64·8	65·1	65·4	65·8	66·1	66·4	66·7	67	67·4	67·7	68	68·3	68·6	69	69·3	69·6
64·2	64·5	64·8	65·2	65·5	65·8	66·1	66·4	66·8	67·1	67·4	67·7	68	68·4	68·7	69	69·3	69·6	70	70·3	70·6
65·2	65·5	65·8	66·2	66·5	66·8	67·1	67·4	67·8	68·1	68·4	68·7	69	69·4	69·7	70	70·3	70·6	71	71·3	71·6
66·2	66·5	66·8	67·2	67·5	67·8	68·1	68·4	68·8	69·1	69·4	69·7	70	70·4	70·7	71	71·3	71·6	72	72·3	72·6
67·2	67·5	67·8	68·2	68·5	68·8	69·1	69·4	69·8	70·1	70·4	70·7	71	71·4	71·7	72	72·3	72·6	73	73·3	73·6
68·2	68·5	68·8	69·2	69·5	69·8	70·1	70·4	70·8	71·1	71·4	71·7	72	72·4	72·7	73	73·3	73·6	74	74·3	74·6
69·2	69·5	69·8	70·2	70·5	70·8	71·1	71·4	71·8	72·1	72·4	72·7	73	73·4	73·7	74	74·3	74·6	75	75·3	75·6
70·2	70·5	70·8	71·2	71·5	71·8	72·1	72·4	72·8	73·1	73·4	73·7	74	74·4	74·7	75	75·3	75·6	76	76·3	76·6
71·2	71·5	71·8	72·2	72·5	72·8	73·1	73·4	73·8	74·1	74·4	74·7	75	75·4	75·7	76	76·3	76·6	77	77·3	77·6
72·2	72·5	72·8	73·2	73·5	73·8	74·1	74·4	74·8	75·1	75·4	75·7	76	76·4	76·7	77	77·3	77·6	78	78·3	78·6
73·2	73·5	73·8	74·2	74·5	74·8	75·1	75·4	75·8	76·1	76·4	76·7	77	77·4	77·7	78	78·3	78·6	79	79·3	79·6
74·2	74·5	74·8	75·2	75·5	75·8	76·1	76·4	76·8	77·1	77·4	77·7	78	78·4	78·7	79	79·3	79·6	80	80·3	80·6
75·2	75·5	75·8	76·2	76·5	76·8	77·1	77·4	77·8	78·1	78·4	78·7	79	79·4	79·7	80	80·3	0·6	81	81·3	81·6

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(*See section 25.*)

Year.	Number.	Short title.	Extent of repeal.
1886	XII	The Petroleum Act, 1886 . . .	The whole.
1890	XIV	The Petroleum Act (1886) Amendment Act, 1890.	Ditto.
1891	XII	The Repealing and Amending Act, 1891 .	So much as relates to Act XII of 1886.
1897	XIV	The Indian Short Titles Act, 1897 . .	So much as relates to Act XIV of 1890.
1898	VII	The Petroleum Act, 1898 . . .	The whole.

H. W. C. CARNDUFF,
Offg. Secy. to the Govt. of India.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd March, 1899, and is hereby promulgated for general information:—

ACT No. IX OF 1899.

An Act to amend the Law relating to Arbitration.

WHEREAS it is expedient to amend the law relating to arbitration by agreement without the intervention of a Court of Justice; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Indian Arbitration Act, 1899.

(2) It extends to the whole of British India; and

(3) It shall come into force on the first day of July, 1899.

Application.

2. Subject to the provisions of section 23, this Act shall apply only in cases where, if the subject-matter submitted to arbitration were the subject of a suit, the suit could, whether with leave or otherwise, be instituted in a Presidency-town:

Provided that the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare this Act applicable in any other local area as if it were a Presidency-town.

Exclusion of certain enactments in certain cases where Act applies.

3. The last thirty-seven words of section 21 of the Specific Relief Act, 1877, and sections 523 to 526 of the Code of Civil Procedure shall not apply to any submission or arbitration to which the provisions of this Act for the time being apply: I of 1877. XIV of 1882.

Provided that nothing in this Act shall affect any arbitration pending in a Presidency-town at the commencement of this Act or in any local area at the date of the application thereto of this Act as aforesaid, but shall apply to every arbitration commenced after the commencement of this Act or the date of the application thereof, as the case may be, under any agreement or order previously made:

Provided, also, that nothing in this Act shall affect the provisions of the Indian Companies Act, 1882, relating to arbitration. VI of 1882.

Definitions.

4. In this Act, unless there is anything repugnant in the subject or context,—

(a) "the Court" means, in the Presidency-towns, the High Court, and, elsewhere, the Court of the District Judge; and

(b) "submission" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

Submission to be irrevocable except by leave of Court.

5. A submission, unless a different intention is expressed therein, shall be irrevocable, except by leave of the Court.

6. A submission, unless a different intention is expressed therein, shall be deemed to include the provisions set forth in the first schedule, in so far as they are applicable to the reference under submission.

Provisions implied in submissions.

7. The parties to a submission may agree that the reference shall be to an arbitrator or arbitrators to be appointed by a person designated therein.

Reference to arbitrator to be appointed by third person.

Such person may be designated either by name or as the holder for the time being of any office or appointment.

Illustration.

The parties to a submission may agree that any dispute arising between them in respect of the subject-matter of the submission shall be referred to an arbitrator to be appointed by the Bengal Chamber of Commerce, or, as the case may be, to an arbitrator to be appointed by the President for the time being of the Bengal Chamber of Commerce.

Power for the Court in certain cases to appoint an arbitrator, umpire or third arbitrator.

8. (*1*) In any of the following cases:—

(*a*) where a submission provides that the reference shall be to a single arbitrator, and all the parties do not, after differences have arisen, concur in the appointment of an arbitrator;

(*b*) if an appointed arbitrator neglects or refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy;

(*c*) where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him;

(*d*) where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy;

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to concur in appointing an arbitrator, umpire or third arbitrator.

(*2*) If the appointment is not made within seven clear days after the service of the notice, the Court may, on application by the party who gave the notice, and after giving the other party an opportunity of being heard, appoint an arbitrator, umpire or third arbitrator, who shall have the like power to act in the reference and make an award as if he had been appointed by consent of all parties.

9. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless a different intention is expressed therein,—

Power for parties in certain cases to supply vacancy.

(*a*) if either of the appointed arbitrators refuses to act, or is incapable of acting, or dies or is removed, the party who appointed him may appoint a new arbitrator in his place;

(*b*) if, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with a written notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent:

Provided that the Court may set aside any appointment made in pursuance of clause (*b*) of this section.

10. The arbitrators or umpire acting under a submission shall, unless a different intention is expressed therein,—

Powers of arbitrator.

(*a*) have power to administer oaths to the parties and witnesses appearing;

(*b*) have power to state a special case for the opinion of the Court on any question of law involved; and

(*c*) have power to correct in an award any clerical mistake or error arising from any accidental slip or omission.

11. (*1*) When the arbitrators or umpire have made their award, they shall sign it and shall give notice to the parties of the making and signing thereof and of the amount of the fees and charges payable to the arbitrators or umpire in respect of the arbitration and award.

Award to be signed and filed.

(*2*) The arbitrators or umpire shall, at the request of any party to the submission or any person claiming under him, and upon payment of the fees and charges due in respect of the arbitration and award, and of the costs and charges of filing the award, cause the award, or a signed copy of it, to be filed in the Court; and notice of the filing shall be given to the parties by the arbitrators or umpire.

(*3*) Where the arbitrators or umpire state a special case under section 10, clause (*b*), the Court shall deliver its opinion thereon; and such opinion shall be added to, and shall form part of, the award.

12. The time for making an award may, from time to time, be enlarged by order of the Court, whether the time for making the award has expired or not.

Power for Court to enlarge time for making award.

13. (*1*) The Court may, from time to time, remit the award to the reconsideration of the arbitrators or umpire.

Power to remit award.

(*2*) Where an award is remitted under sub-section (*1*), the arbitrators or umpire shall, unless the Court otherwise directs, make a fresh award within three months after the date of the order remitting the award.

14. Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set aside the award.

Power to set aside award.

15. (*1*) An award on a submission, on being filed in the Court in accordance with the foregoing provisions, shall (unless the Court remits it to the reconsideration of the arbitrators or umpire, or sets it aside) be enforceable as if it were a decree of the Court.

Award when filed to be enforceable as a decree.

(*2*) An award may be conditional or in the alternative.

Illustration.

A dispute concerning the ownership of a diamond ring is referred to arbitration. The award may direct that the party in possession shall pay the other party Rs. 1,000, the said sum to be reduced to Rs. 5 if the ring is returned within fourteen days.

16. Where an arbitrator or umpire has misconducted himself, the Court may remove him.

Power to remove arbitrator or umpire.

17. Any order made by the Court under this Act may be made on such terms as to costs or otherwise as the Court thinks fit.

Costs.

18. The forms set forth in the second schedule, or forms similar thereto, with such variations as the circumstances of each case require, may be used for the respective purposes there mentioned, and, if used, shall not be called in question.

Forms.

19. Where any party to a submission to which this Act applies, or any person claiming under him, commences any legal proceedings against any other party to the submission, or any person claiming under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

Power to stay proceedings where there is a submission.

20. The High Court may make rules consistent with this Act as to—

Power for High Court to make rules.

(*a*) the filing of awards and all proceedings consequent thereon or incidental thereto;

(*b*) the filing and hearing of special cases and all proceedings consequent thereon or incidental thereto;

(*c*) the transfer to Presidency Courts of Small Causes for execution of awards filed, where the sum awarded does not exceed two thousand rupees;

(*d*) the staying of any suit or proceeding in contravention of a submission to arbitration; and,

(*e*) generally, all proceedings in Court under this Act.

21. In section 21 of the Specific Relief Act, 1877, after the words "Code of Civil Procedure" the words and figures "and the Indian Arbitration Act, 1899," shall be inserted, and for the words "a controversy" the words "present or future differences" shall be substituted. I of 1877.

Amendment of section 21, Act I, 1877.

22. The provisions of this Act shall be binding on the Crown.

Crown to be bound.

23. (*1*) This Act shall apply within the local limits of the ordinary civil jurisdiction of the Recorder of Rangoon in cases where, if the subject-matter submitted to arbitration were the subject of a suit, the suit could, whether with leave or otherwise, be instituted within those local limits.

Special provision as to application of Act to Rangoon.

(*2*) For the purposes of this Act, the local limits aforesaid shall be deemed to be a Presidency-town and the Recorder of Rangoon shall have all the powers of a High Court.

THE FIRST SCHEDULE.

(See section 6.)

PROVISIONS TO BE IMPLIED IN SUBMISSIONS.

I. If no other mode of reference is provided, the reference shall be to a single arbitrator.

II. If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

III. The arbitrators shall make their award in writing within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may, from time to time, enlarge the time for making the award.

IV. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire, a notice in writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

V. The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire, by any writing signed by him, may, from time to time, enlarge the time for making his award.

VI. The parties to the reference, and all persons claiming through them respectively, shall, subject to the provisions of any law for the time being in force, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

VII. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath.

VIII. The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

IX. The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom, and in what manner, those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.

THE SECOND SCHEDULE.

(*See section 18.*)

FORM I.

Submission to single arbitrator.

In the matter of the Indian Arbitration Act, 1899 :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning ;

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(*Signed*) A. B.
C. D.

Dated the , *189* .

FORM II.

Submission of particular dispute to single arbitrator.

In the matter of the Indian Arbitration Act, 1899 :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning ;

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(*Signed*) A. B.
C. D.

Dated the , *189* .

FORM III.

Appointment of single arbitrator under agreement to refer future differences to arbitration.

In the matter of the Indian Arbitration Act, 1899 :—

Whereas, by an agreement in writing, dated the day of , 18 , and made between A. B. of and C. D. of , it is provided that differences arising between the parties thereto shall be referred to an arbitrator as therein mentioned ;

And whereas differences within the meaning of the said provision have arisen and are still subsisting between the said parties concerning ;

Now we, the said parties, A. B. and C. D., do hereby refer the said matters in difference to the award of X. Y.

(*Signed*) A. B.
C. D.

Dated the , *189* .

FORM IV.

Enlargement of time by arbitrator by endorsement on submission.

In the matter of the Indian Arbitration Act, 1899, and an arbitration between A. B. of and C.D. of :—

I hereby enlarge the time of making my award in respect of the matters in difference referred to me by the within (*or* above) submission until the day of 189 .

(*Signed*) X. Y.,
Arbitrator.

Dated the , *189* .

FORM V.

Special case.

In the matter of the Indian Arbitration Act, 1899, and an arbitration between A. B. of and C. D. of :—

The following special case is, pursuant to the provisions of section 10, clause (*b*), of the said Act, stated for the opinion of the * :—

*Here specify the Court.

(*Here state the facts concisely in numbered paragraphs.*)

The questions of law for the opinion of the said Court are :—

First, whether ____________________

____

Secondly, whether ____________________

____

(*Signed*) X. Y.,
Arbitrator.

Dated the , *189* .

FORM VI.

Award.

In the matter of the Indian Arbitration Act, 1899, and an arbitration between A. B. of and C. D. of :—

Whereas in pursuance of an agreement in writing dated the day of , 189 , and made between A. B. of and C. D. of , the said A. B. and C. D. have referred to me, X. Y., the matters in difference between them concerning (*or as the case may be*);

Now I, the said X. Y., having duly considered the matters submitted to me, do hereby make my award as follows :—

I award—

(1) that ____________________

____

(2) that ____________________

____

(*Signed*) X. Y.,
Arbitrator.

Dated the , *189* .

H. W. C. CARNDUFF,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd March, 1899, and is hereby promulgated for general information :—

ACT NO. X OF 1899.

An Act to amend the Law relating to Carriers.

WHEREAS it is expedient to amend the law relating to carriers; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Carriers Act, 1899; and

(2) It shall come into force on the first day of May, 1899.

III of 1865.

Addition of new section after section 9, Act III, 1865.

2. After section 9 of the Carriers Act, 1865, the following section shall be added, namely :—

Notice of loss or injury to be given within six months.

"10. No suit shall be instituted against a common carrier for the loss of, or injury to, goods entrusted to him for carriage, unless notice in writing of the loss or injury has been given to him before the institution of the suit and within six months of the time when the loss or injury first came to the knowledge of the plaintiff."

Amendment of Schedule II, Act XV, 1877.

XV of 1[877].

3. (1) In Part IV of the first division of the second schedule to the Indian Limitation Act, 1877, after the entry numbered 29 the following entries shall be inserted, namely :—

"30.—Against a carrier for compensation for losing or injuring goods.	Ditto .	When the loss or injury occurs.
31.—Against a carrier for compensation for non-delivery of, or delay in delivering, goods.	Ditto .	When the goods ought to be delivered."

(2) In Part V of the same division of the said schedule, the entries numbered 30 and 31, respectively, are hereby repealed; and, in the entry numbered 32, for the word "Ditto" in the second column the words "Two years" shall be substituted.

H. W. C. CARNDUFF,
Offg. Secy. to the Govt. of India.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th March, 1899, and is hereby promulgated for general information:—

ACT No. XI OF 1899.

An Act to further amend the Court-fees Act, 1870.

VII of 1870. WHEREAS it is expedient to further amend the Court-fees Act, 1870; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Court-fees Amendment Act, 1899; and

(*2*) It shall come into force at once.

VII of 1870.

Addition of two new sections after section 19G, Act VII, 1870.

2. After section 19G of the Court-fees Act, 1870, the following sections shall be added, namely:—

Notice of applications for probate or letters of administration to be given to Revenue-authorities, and procedure thereon.

"19H. (*1*) Where an application for probate or letters of administration is made to any Court other than a High Court, the Court shall cause notice of the application to be given to the Collector.

(*2*) Where such an application as aforesaid is made to a High Court, the High Court shall cause notice of the application to be given to the Chief Controlling Revenue-authority of the Province.

(*3*) The Collector within the local limits of whose revenue-jurisdiction the property of the deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Collector may, if he thinks fit, require the attendance of the petitioner (either in person or by agent) and take evidence and inquire into the matter in such manner as he may think fit, and, if he is still of opinion that the value of the property has been under-estimated, may require the petitioner to amend the valuation.

(*4*) If the petitioner does not amend the valuation to the satisfaction of the Collector, the Collector may move the Court before which the application for probate or letters of administration was made, to hold an inquiry into the true value of the property:

Provided that no such motion shall be made after the expiration of six months from the date of the exhibition of the inventory required by section 277 of the Indian Succession Act, 1865, or, as the case may be, by section 98 of the Probate and Administration Act, 1881. X of 1865. V of 1881.

(5) The Court, when so moved as aforesaid, shall hold, or cause to be held, an inquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

(6) For the purposes of any such inquiry, the Court or person authorized by the Court to hold the inquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property. The person authorized as aforesaid to hold the inquiry shall return to the Court the evidence taken by him and report the result of the inquiry, and such report and the evidence so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with the report, unless it is satisfied that it is erroneous.

(7) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Chief Controlling Revenue-authority of any application under section 19E.

(8) The Local Government may make rules for the guidance of Collectors in the exercise of the powers conferred by sub-section (3).

Payment of court-fees in respect of probates and letters of administration.

19I. (1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the third schedule, and the Court is satisfied that the fee mentioned in No. 11 of the first schedule has been paid on such valuation.

(2) The grant of probate or letters of administration shall not be delayed by reason of any motion made by the Collector under section 19H, sub-section (4).

Recovery of penalties, etc.

19J. (1) Any excess fee found to be payable on an inquiry held under section 19H, sub-section (6), and any penalty or forfeiture under section 19G may, on the certificate of the Chief Controlling Revenue-authority, be recovered from the executor or administrator as if it were an arrear of land-revenue by any Collector in any part of British India.

(2) The Chief Controlling Revenue-authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 19E or of any court-fee under section 19E in excess of the full court-fee which ought to have been paid.

Sections 6 and 28 not to apply to probates or letters of administration.

19K. Nothing in section 6 or section 28 shall apply to probates or letters of administration."

Addition of schedule to Act VII, 1870.

3. To the Court-fees Act, 1870, the following schedule shall be added, namely:— VII of 1870.

"SCHEDULE III.

(See section 19I.)

FORM OF VALUATION (TO BE USED WITH SUCH MODIFICATIONS, IF ANY, AS MAY BE NECESSARY).

IN THE COURT OF

Re Probate of the Will of , *(or Administration of the property and credits of* , *) deceased.*

I { solemnly affirm / make oath }

and say that I am the executor (or one of the executors or one of the next of kin) of , deceased, and that I have truly set forth in Annexure A to this affidavit all the property and credits of which the abovenamed deceased died possessed or was entitled to at the time of his death, and which have come, or are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure B all the items I am by law allowed to deduct.

3. I further say that the said assets, exclusive only of such last-mentioned items, but inclusive of all rents, interest, dividends and increased values since the date of the death of the said deceased, are under the value of

ANNEXURE A.	Rs.	A.	P.
VALUATION OF THE MOVEABLE AND IMMOVEABLE PROPERTY OF , DECEASED.			
Cash in the house and at the banks, household goods, wearing-apparel, books, plate, jewels, etc.			
(State estimated value according to best of Executor's or Administrator's belief.)			
Property in Government securities transferable at the Public Debt Office.			
(State description and value at the price of the day; also the interest separately, calculating it to the time of making the application.)			
Immoveable property, consisting of			
(State description, giving, in the case of houses, the assessed value, if any, and the number of years' assessment the market-value is estimated at, and, in the case of land, the area, the market-value and all rents that have accrued.)			
Leasehold property			
(If the deceased held any leases for years determinable, state the number of years' purchase the profit rents are estimated to be worth and the value of such, inserting separately arrears due at the date of death and all rents received or due since that date to the time of making the application.)			
Property in public companies . . .			
(State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time of making the application.)			

	Rs.	A.	P.
Policy of insurance upon life, money out on mortgage and other securities, such as bonds, mortgages, bills, notes and other securities for money.			
(State the amount of the whole; also the interest separately, calculating it to the time of making the application.)			
Book debts			
(Other than bad.)			
Stock in trade.			
(State the estimated value, if any.)			
Other property not comprised under the foregoing heads.			
(State the estimated value, if any.)			
TOTAL .			
Deduct amount shewn in Annexure B not subject to duty.			
NET TOTAL .			

ANNEXURE B.

SCHEDULE OF DEBTS, ETC.	Rs.	A.	P.
Amount of debts due and owing from the deceased, payable by law out of the estate.			
Amount of funeral expenses . . .			
Amount of mortgage incumbrances . .			
Property held in trust not beneficially or with general power to confer a beneficial interest.			
Other property not subject to duty .			
TOTAL .			

Repeal.

4. Section 20 of the Probate and Administration Act, 1889, is hereby repealed. VI of 1889.

H. W. C. CARNDUFF,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th March, 1899, and is hereby promulgated for general information :—

ACT NO. XII OF 1899.

An Act to amend the law relating to the forgery of currency-notes and bank-notes.

WHEREAS it is expedient to amend the law relating to the forgery of currency-notes and bank-notes; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Currency-Notes Forgery Act, 1899; and

(*2*) It shall come into force at once.

Addition of new sections after section 489, Act XLV, 1860.

2. After section 489 of the Indian Penal Code the following sections shall be added, namely :— XLV of 1860.

'*Of Currency-Notes and Bank-Notes.*

Counterfeiting currency-notes or bank-notes.

'489A. Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any currency-note or bank-note, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

'*Explanation.*—For the purposes of this section and of sections 489B, 489C and 489D, the expression "bank-note" means a promissory note or engagement for the payment of money to bearer on demand issued by any person carrying on the business of banking in any part of the world, or issued by or under the authority of any State or Sovereign Power, and intended to be used as equivalent to, or as a substitute for, money.

Using as genuine forged or counterfeit currency-notes or bank-notes.

'489B. Whoever sells to, or buys or receives from, any other person, or otherwise traffics in or uses as genuine, any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Possession of forged or counterfeit currency-notes or bank-notes.

'489C. Whoever has in his possession any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Making or possessing instruments or materials for forging or counterfeiting currency-notes or bank-notes.

'489D. Whoever makes, or performs any part of the process of making, or buys or sells or disposes of, or has in his possession, any machinery, instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any currency-note or bank-note, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.'

Addition to Schedule II, Act V, 1898.

3. In the Code of Criminal Procedure, 1898, Schedule II, after the entries relating to section 489 of the Indian Penal Code the following shall be added, namely :— V of 1898. XLV of 1860.

"*Of Currency-Notes and Bank-Notes.*

489A .	Counterfeiting currency-notes or bank-notes.	May arrest without warrant.	Warrant.	Not bailable	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
489B .	Using as genuine forged or counterfeit currency-notes or bank-notes.	Ditto .	Ditto .	Ditto	Ditto	Ditto .	Ditto.
489C .	Possession of forged or counterfeit currency-notes or bank-notes.	Ditto .	Ditto .	Bailable.	Ditto .	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
489D .	Making or possessing instruments or materials for forging or counterfeiting currency-notes or bank-notes.	Ditto .	Ditto .	Not bailable.	Ditto .	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto."

H. W. C. CARNDUFF,
Offg. Secy. to the Govt. of India.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 20th March, 1899, and is hereby promulgated for general information :—

ACT NO. XIII OF 1899.

An Act to consolidate and amend the Law relating to Glanders and Farcy.

WHEREAS it is expedient to consolidate and amend the law relating to glanders and farcy; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Glanders and Farcy Act, 1899.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Definition of "diseased."

2. (*1*) In this Act, unless there is anything repugnant in the subject or context, "diseased" means affected with glanders or farcy or any other dangerous epidemic disease among horses which the Governor General in Council may, by notification in the Gazette of India, specify in this behalf.

(*2*) The provisions of this Act relating to horses shall apply also to asses and mules.

Application of Act to local areas by Local Government.

3. The Local Government may, by notification in the local official Gazette, apply this Act, or any provision of this Act, to any local area, to be specified in such notification, within the Province.

Local Government to appoint Inspectors.

4. (*1*) When this Act has been so applied to a local area, the Local Government may, by notification in the local official Gazette, appoint such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of the local area or such portions thereof as it may prescribe, the powers conferred and the duties imposed by this Act on such officers.

(*2*) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Power of entry and search.

5. Within the local limits for which he is so appointed, any such Inspector as aforesaid may, subject to such rules as the Local Government may make in this behalf, enter and search any field, building or other place for the purpose of ascertaining whether there is therein any horse which is diseased.

Power of seizure.

6. Within such limits as aforesaid, the Inspector may seize any horse which he has reason to believe to be diseased.

Horse to be examined by Veterinary Practitioner.

7. (*1*) On any such seizure as aforesaid, the Inspector shall cause the horse seized to be examined as soon as possible by such Veterinary Practitioner as the Local Government may appoint in this behalf:

Provided that, when the Inspector is also a Veterinary Practitioner so appointed, he may make the examination himself.

(*2*) For the purposes of the examination, the Veterinary Practitioner may submit the horse to any test or tests which the Local Government may prescribe.

Horse to be destroyed if found diseased: otherwise restored.

8. (*1*) If the Veterinary Practitioner certifies in writing that the horse is diseased, the Inspector shall cause the same to be immediately destroyed:

Provided that, in the case of any disease other than glanders or farcy, horses certified to be diseased as aforesaid may, subject to any rules which the Local Government may make in this behalf, be either destroyed or otherwise treated or dealt with as the Veterinary Practitioner may deem necessary.

(2) If, after completing the examination, the Veterinary Practitioner does not certify that the horse is diseased, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

When horse diseased, place where it has been to be disinfected, etc.

9. (1) When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of the building, shed, place or lines, or to the person in charge thereof, directing him to have the same disinfected and the internal fittings thereof, or such other things found therein or near thereto as the Local Government may by rule prescribe, destroyed.

(2) On the failure or neglect of such owner or other person as aforesaid to comply with the notice within a reasonable time, the Inspector shall cause the building, shed, place or lines to be disinfected and the fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from the owner or other person as if it were a fine.

Owner or person in charge of diseased horse to give notice.

10. The owner or any person in charge of a diseased horse shall give immediate information of the horse being diseased to the Inspector or to such authority as the Local Government may appoint in this behalf.

Prohibition against removal, without license, of horse which has been with diseased horse.

11. No person in charge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall remove such horse except in good faith for the purpose of preventing infection, or under a license to be granted by the Inspector and subject to the conditions of the license.

Vexatious entries, searches and seizures.

12. (1) Whoever, being an Inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building or other place, or seizes or detains any horse on the pretence that it is diseased, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

Penalty for refusing to comply with notice under section 9, or for moving horse contrary to section 11.

13. Whoever refuses or neglects to comply with any notice issued by the Inspector under section 9, or removes any horse in contravention of section 11, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Power to make rules.

14. (1) The Local Government may make rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules as aforesaid may—

(a) regulate entries, searches and seizures by Inspectors under this Act;

(b) regulate the use of tests and the isolation of horses subjected thereto, and provide for recovering the expense of detaining, isolating and testing horses from the owners or persons in charge thereof as if it were a fine;

(c) regulate the destruction or treatment, as the case may be, of horses certified under section 8 to be diseased, and the disposal of the carcases of diseased horses;

(d) regulate the disinfecting of buildings and places in which diseased horses have been, and prescribe what things found therein or near thereto shall be destroyed; and

(e) regulate the grant of licenses under section 11 and the conditions on which those licenses shall be granted.

(3) All rules under this section shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted by this Act.

(4) In making any rule under this section, the Local Government may direct that a breach of it shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Appointment of same person to be both Inspector and Veterinary Practitioner.

15. Any Veterinary Practitioner may be appointed by the Local Government to be both Inspector and Veterinary Practitioner for all or any of the purposes of this Act or of any rule thereunder.

Protection to persons acting under Act.

16. No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done under this Act.

Repeal.

17. The enactments mentioned in the schedule are hereby repealed to the extent specified in the fourth column thereof.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See section 17.*)

Year.	No.	Short Title.	Extent of repeal.
1879	XX	The Glanders and Farcy Act, 1879.	The whole Act.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to Act XX of 1879.
1896	XV	The Glanders and Farcy Act (1879) Amendment Act, 1896.	The whole Act.
1897	XIV	The Indian Short Titles Act, 1897.	So much as relates to Act XV of 1896.

H. W. C. CARNDUFF,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 20th March, 1899, and is hereby promulgated for general information :—

ACT NO. XIV OF 1899.

An Act to further amend the Indian Tariff Act, 1894.

VIII of 1894. WHEREAS it is expedient to further amend the Indian Tariff Act, 1894; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Indian Tariff Amendment Act, 1899; and

(*2*) It shall come into force at once.

Addition of new section 8A after section 8, Act VIII, 1894.

VIII of 1894. 2. After section 8 of the Indian Tariff Act, 1894, the following section shall be added, namely :—

Additional import duty on bounty-fed articles.

"8A. (*1*) Where any country, dependency or colony pays or bestows, directly or indirectly, any bounty or grant upon the exportation therefrom of any article and the article is chargeable with duty under the provisions of this Act, then, upon the importation of any such article into British India, whether the same is imported directly from the country of production or otherwise, and whether it is imported in the same condition as when exported from the country of production or has been changed in condition by manufacture or otherwise, the Governor General in Council may, by notification in the Gazette of India, impose an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed.

"(*2*) The net amount of any such bounty or grant as aforesaid shall be, from time to time, ascertained, determined and declared by the Governor General in Council, and the Governor General in Council may, by notification in the Gazette of India, make rules for the identification of such articles and for the assessment and collection of any additional duty imposed upon the importation thereof under sub-section (*1*)."

Act not to apply in certain cases.

3. This Act shall not apply to any imported article the bill of lading for which was signed and given before the commencement of this Act.

H. W. C. CARNDUFF,

Offg. Secy. to the Govt. of India.

Government Gazette,

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LAHORE, THURSDAY, JULY 20, 1899.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th July, 1899, and is hereby promulgated for general information:

ACT NO. XVI OF 1899.

An Act further to amend the Northern India Canal and Drainage Act, 1873.

VIII of 1873. WHEREAS it is expedient further to amend the Northern India Canal and Drainage Act, 1873; It is hereby enacted as follows:

Short title and commencement.

1. (*1*) This Act may be called the Northern India Canal and Drainage (Amendment) Act, 1899; and

(*2*) It shall come into force at once.

Addition to section 36, Act VIII, 1873.

2. To section 36 of the Northern India Canal and Drainage Act, 1873, the following paragraph shall be added, namely: VIII of 1873.

"The rules hereinbefore referred to may prescribe and determine what persons or classes of persons are to be deemed to be occupiers for the purposes of this section, and may also determine the several liabilities, in respect of the payment of the occupier's rate, of tenants and of persons to whom tenants may have sublet their lands, or of proprietors and of persons to whom proprietors may have let the lands held by them in cultivating occupancy."

Amendment of section 47, Act VIII, 1873.

3. In section 47 of the said Northern India Canal and Drainage Act, 1873, for the words "or tenants" the words "tenants or sub-tenants" shall be substituted. VIII of 1873.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th July, 1899, and is hereby promulgated for general information:

ACT NO. XVII OF 1899.

An Act further to amend the Indian Registration Act, 1877.

III of 1877. WHEREAS it is expedient further to amend the Indian Registration Act, 1877; It is hereby enacted as follows:

Short title and commencement.

1. (*1*) This Act may be called the Indian Registration (Amendment) Act, 1899; and

(*2*) It shall come into force at once.

Repeal of section 22, Act III, 1877, and substitution of new section.

2. Section 22 of the Indian Registration Act, 1877, is hereby repealed, and the following section is substituted therefor, namely: III of 1877.

Description of houses and land by reference to Government maps or surveys.

"**22.** (*1*) Where it is, in the opinion of the Local Government, practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the Local Government may, by rule, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

"(*2*) Save as otherwise provided by any rule made under sub-section (*1*), failure to comply with the provisions of section 21, clause (*b*), shall not disentitle a document to be registered if the description of the property, to which it relates, is sufficient to identify that property."

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th July, 1899, and is hereby promulgated for general information:

ACT NO. XVIII OF 1899.

An Act to amend the Land Improvement Loans Act, 1883.

XIX of 1883. WHEREAS it is expedient to amend the Land Improvement Loans Act, 1883; It is hereby enacted as follows:

Short title and commencement.

1. (*1*) This Act may be called the Land Improvement Loans (Amendment) Act, 1899; and

(*2*) It shall come into force at once.

Amendment, with retrospective effect, of section 6, Act XIX, 1883.

2. In section 6, sub-section (*1*), of the Land Improvement Loans Act, 1883, for the words "from the date of the actual advance of the last instalment", the words "from the date of the advance of the last instalment actually paid" shall be substituted and shall be deemed to have been substituted with effect from the commencement of the said Act. XIX of 1883.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 3, 1899.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th July, 1899, and is hereby promulgated for general information :

ACT NO. XIX OF 1899.

An Act to provide for the conversion into British Indian currency of sums expressed in British currency in the Army Act.

WHEREAS it is provided by section 169 of the Army Act that the Governor General in Council may declare the amount of the local currency which is to be deemed, for the purposes of the said Act, to be equivalent to any sum of British currency mentioned therein; (44 & 45 Vict., c. 58.)

And whereas it is expedient, in exercise of the power so conferred, to provide for the conversion into British Indian currency of sums expressed in British currency in the said Act;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Currency Conversion (Army Annual) Act, 1899.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

Rate of exchange fixed for calculating the equivalent in British Indian currency of sums of British currency mentioned in the Army Act.

2. For the purposes of the Army Act, fifteen rupees of British Indian currency shall be deemed to be the equivalent of one pound of British currency and any sum of British currency mentioned in the said Act shall be deemed to be the equivalent of a sum of British Indian currency calculated at that rate of exchange. (44 & 45 Vict., c. 58.)

Duration of Act.

3. This Act shall continue in force until the thirty-first day of March, 1900.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 21, 1899.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 15th September, 1899, and is hereby promulgated for general information:

ACT NO. XXII OF 1899.

An Act further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882.

XXIII of 1870. XX of 1882. WHEREAS it is expedient further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882; It is hereby enacted as follows:

Short title and commencement. 1. (1) This Act may be called the Indian Coinage and Paper Currency Act, 1899; and

(2) It shall come into force at once.

XXIII of 1870. Substitution of new section for section 12, Act XXIII, 1870. 2. For section 12 of the Indian Coinage Act, 1870, the following section shall be substituted, namely:

Gold coins a legal tender. "12. Gold coins, whether coined at Her Majesty's Royal Mint in England, or at any Mint established in pursuance of a Proclamation of Her Majesty as a branch of Her Majesty's Royal Mint, shall be a legal tender in payment or on account at the rate of fifteen rupees for one sovereign:

"Provided that such coins have not been called in by any Proclamation made in pursuance of the Coinage Act, 1870, or have not lost weight so as to be of less weight than that for the time being prescribed for like coins by or under the said Statute as the least current weight." 33 & 34 Vict., c. 10.

Addition to section 11, clause (a), Act XX, 1882. 3. To section 11, clause (a), of the Indian Paper Currency Act, 1882, the following words and figures shall be added, namely: XX of 1882.

"or in gold coin which is legal tender under the Indian Coinage Act, 1870." XXIII of 1870.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, OCTOBER 5, 1899.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 27th September, 1899, and is hereby promulgated for general information:

ACT No. XXIII OF 1899.

An Act to provide for the Incorporation of Kirk Sessions of the Church of Scotland in British India.

WHEREAS there are in British India Kirk Sessions of the Church of Scotland which have been duly constituted to be Church Courts for ecclesiastical purposes in pursuance of Acts of the General Assembly of the Church of Scotland;

And whereas it is expedient that such Kirk Sessions and any others, which may hereafter be so constituted, should be incorporated with the powers hereinafter provided;

It is hereby enacted as follows:

Short title, extent and commencement.

1. (*1*) This Act may be called the Church of Scotland Kirk Sessions Act, 1899;

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Scotch Kirk Sessions to be bodies corporate.

2. (*1*) Every Kirk Session which has been, or may hereafter be, duly constituted to be a Church Court for ecclesiastical purposes in pursuance of an Act of the General Assembly of the Church of Scotland, is hereby declared to be, and the same shall be, a body corporate having perpetual succession and a common seal.

(*2*) A notification by the Governor General in Council in the Gazette of India that a Kirk Session has been duly constituted in pursuance of an Act of the General Assembly of the Church of Scotland shall be conclusive proof that it has been so constituted.

Power to hold and dispose of property.

3. (*1*) Every Kirk Session constituted as aforesaid shall, as a body corporate, have power to acquire and hold any property which has been, or may hereafter be, vested in it for the purposes of the Congregation for which it has been, or may hereafter be, constituted, or of any trust which may have been, or may hereafter be, accepted by it, to transfer the same, to contract and to do all other things necessary for, or incidental to, the purposes of its constitution or of any such trust as aforesaid.

(*2*) The signature of the Moderator and Treasurer or Session-clerk for the time being of a Kirk Session constituted as aforesaid shall, if affixed on behalf and by order of the Kirk Session, be sufficient for all purposes for which the signature of the Kirk Session is required.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

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LAHORE, THURSDAY, OCTOBER 19, 1899.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 13th October, 1899, and is hereby promulgated for general information:

ACT NO. XXV OF 1899.

An Act further to amend the Punjab Courts Act, 1884.

XVIII of 1884. WHEREAS it is expedient further to amend the Punjab Courts Act, 1884; It is hereby enacted as follows:

Short title and commencement.

1. (*1*) This Act may be called the Punjab Courts Act, 1899; and

(*2*) It shall come into force at once.

XVIII of 1884. XIII of 1888.

Addition to section 39, Act XVIII, 1884.

2. To section 39 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1888, the following proviso shall be added, namely:

"Provided that the Chief Court may, with the previous sanction of the Local Government, by notification in the local official Gazette, direct that appeals lying to the Divisional Court under clause (*c*) from all or any of the decrees passed in an original suit by any Munsif or Subordinate Judge shall be preferred to such District Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly, and the Court of such District Judge shall be deemed to be a Divisional Court for the purposes of all appeals so preferred."

Substitution of new sections for sections 40 and 41, Act XVIII, 1884.

3. For sections 40 and 41 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1888, the following sections shall be substituted, namely: XVIII of 1884. XIII of 1888.

Appeals from appellate decrees of Divisional Courts.

"40. (*1*) A further appeal shall lie to the Chief Court in any of the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely:

(*a*) in a small cause or unclassed suit,—

(i) if the value of the suit is one-thousand rupees or upwards, or the decree involves directly some claim to, or question respecting, property of like value, and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below; or

(ii) if the value of the suit is two-thousand-five-hundred rupees or upwards or the decree involves directly some claim to, or question respecting, property of like value:

(*b*) in a land suit,—

(i) if the value of the suit is two-hundred-and-fifty rupees or upwards or the decree involves directly some claim to, or question respecting, property of like value and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below; or

(ii) if the value of the suit is one-thousand rupees or upwards or the decree involves directly some claim

to, or question respecting, property of like value.

"(2) The provisions contained in Chapter XLI of the Code of Civil Procedure as amended by this Act shall apply, as far as may be, to further appeals under this section and to the execution of decrees passed on such appeals. XIV of 1882.

"41. Subject to the provisions of sections 40 and 70 of this Act and to those of section 595 of the Code of Civil Procedure, an appellate decree of a District Judge or Divisional Court shall be final."

Appellate decrees of District Judge or Divisional Court otherwise final. XIV of 1882.

4. In section 43 of the Punjab Courts Act, 1884, the proviso to sub-section (2) is hereby repealed.

XVIII of 1884. Partial repeal of section 43, Act XVIII, 1884.

5. After section 67 of the Punjab Courts Act, 1884, the following section shall be inserted, namely:

XVIII of 1884. Addition of new section after section 67, Act XVIII 1884.

'68. Section 568 of the Code of Civil Procedure, in its application to the territories to which this Act extends, shall be read subject to the following additions, namely:

Modification of section 568, Act XIV, 1882. XIV of 1882.

(1) at the end of clause (b) the words and letter "or (c) the Appellate Court considers further inquiry necessary on any issue or question of fact", and

(2) after the words "or witness to be examined" the words "or such inquiry to be made".'

6. For sections 70 and 71 of the Punjab Courts Act, 1884, the following sections shall be substituted, namely:

XVIII of 1884. Substitution of new sections for sections 70 and 71, Act XVIII, 1884.

"70. (1) The Chief Court may call for the record of any case in which no appeal lies to it, and may pass such order in the case as it thinks fit,—

Power for Chief Court to call for record of cases not appealable to it.

(a) if the Court, by which the case was decided, appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction with material irregularity; or

(b) if, on application made to it, the Chief Court is of opinion that there is an important question of law or custom involved and that such question requires further consideration:

"Provided as follows—

(i) no application under clause (b) shall be admitted after the expiration of ninety days from the date of the order in respect of which the application is made, unless the applicant satisfies the Chief Court that he had sufficient cause for not making the application within that period:

(ii) no such application shall be admitted in a small cause under the value of one-thousand rupees or in an unclassed suit under the value of two-hundred rupees:

(iii) on any such application the Chief Court shall not revise the decision of the Court below except in so far as such decision involves the question of law or custom in respect of which the application has been admitted: and

(iv) when any such application has been admitted, the Chief Court shall, subject to the last foregoing proviso, treat the matter of the application as if it were an appeal.

"*Explanation.*—A question of procedure is not a question of law or custom within the meaning of clause (b).

"(2) In computing the period of limitation aforesaid, the provisions of the Indian Limitation Act, 1877, shall be deemed to apply. XV of 1877.

"(3) Section 622 of the Code of Civil Procedure, in so far as it applies to the territories to which this Act extends, is hereby repealed. XIV of 1882.

"71. In the first schedule to the Court-fees Act, 1870, after No. 12, the following shall be inserted, namely: VII of 1870.

Amendment of the first schedule, Act VII, 1870.

'13. Application to the Chief Court in the Punjab for the exercise of its jurisdiction under section 70 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1899.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on a memorandum of appeal'."

XVIII of 1884.

7. In section 72 of the Punjab Courts Act, 1884, for the words and figures "under section 622 of the Civil Procedure Code", the words and figures "under section 70" shall be substituted.

XVIII of 1884. Amendment of section 72, Act XVIII, 1884. XIV of 1882.

J. M. MACPHERSON,

Secretary to the Government of India.

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PART IV.—A.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Governor-General in Council.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

THE following Act of the Lieutenant-Governor of the Punjab in Council received the assent of His Honor the Lieutenant-Governor on the 17th May 1899 and that of His Excellency the Viceroy and Governor-General on the 19th June 1899, and is hereby promulgated for general information :—

PUNJAB ACT No. I OF 1899.

THE PUNJAB RIVERAIN BOUNDARIES ACT, 1899.

(First published in the Punj:b Government Gazette on the 3rd August 1899.)

An Act to amend the Punjab Land Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.

Preamble.

WHEREAS it is expedient to make better provision for the ascertainment and determination of the boundaries between estates which are subject to, or liable to be affected by, the action of a river, and to amend the law relating to the determination of claims to lands gained by alluvion and to prevent disputes as to such boundaries and lands :

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Punjab Riverain Boundaries Act, 1899 ;

(2) It extends to the whole of the Punjab ; and

(3) It shall come into force at once.

Sections added after Section 101 of India Act XVII of 1887.

2. After Section 101 of the Punjab Land Revenue Act, 1887, the following sections shall be added, namely :— India Act XVII of 1887.

"Power to fix boundary between riverain estates."

"101 A. (1) When any two or more estates are subject to river action and the limits of any such estates are, by any law, custom, decree or order applicable thereto, liable to vary according as variations may from time to time occur in the course or action of such river, the Local Government may, in its discretion, order a permanent boundary line to be fixed between any such estates or such portions thereof as are liable to river action.

(2) Upon an order being made under sub-section (1), the Collector shall fix a boundary line between such estates or portions of such estates accordingly, and shall demarcate the same, in accordance with the rules (if any) made under Section 100 and the provisions of Section 101.

(3) Every such boundary line shall be fixed with due regard to the history of the estates and the interests of the persons respectively owning them or possessing rights therein, in such manner as may be just and equitable in the circumstances of each case.

(4) No such boundary line shall be deemed to have been permanently fixed until it has been approved by the Financial Commissioner."

"101 B. (1) Every boundary line fixed in accordance with the provisions of Section 101 A, shall, notwithstanding any law or custom, or any decree or order of any Court of law, to the contrary, be the fixed and constant boundary between the estates affected thereby, and the proprietary and all other rights in every holding, field or other portion of an estate situate on each side of the boundary line so fixed, shall, subject to the following proviso, vest in the land-owners of the estate which lies on that side of the boundary line on which such holding, field or other portion of an estate is situate:

"Effect of fixing a boundary between riverain estates: Proviso."

Provided that if, by the operation of this section, the proprietary or any other rights in any land which, at the time a boundary line is fixed, is under cultivation or reasonably fit for cultivation or yields any produce of substantial value, would be transferred from the land-owners and other rightholders of any one estate to the land-owners of any other estate, the Collector shall, by written order, direct that the rights in such land shall, subject to the provisions of Section 101 C and Section 101 D, not be so transferred unless and until the land, in respect of which any such order is made, ceases to be reasonably fit for cultivation, or to yield any produce of substantial value, and, upon any such order being made the transfer of the rights in such land shall be suspended accordingly:

Provided further that when any portion of the land specified in any such order ceases to be reasonably fit for cultivation or to yield any produce of substantial value, the order shall, when the Collector, in writing, so directs, cease to operate as to that portion.

(2) The decision of the Collector as to whether for the purposes of the proviso to sub-section (1) of this section, any land is or is not, reasonably fit for cultivation or does or does not yield any produce of substantial value, shall be final."

"101 C. (1) When any order has been made under the proviso to sub-section (1) of Section 101 B, the landowners (or any of them) in whom, but for such order, the rights in the land specified therein, would vest, may apply, in writing, to the Collector to forthwith transfer the rights, the transfer of which has been suspended by such order, upon payment of compensation for the same.

"Application for immediate transfer of rights reserved under the proviso to sub-section (1) of Section 101 B, upon payment of compensation, and procedure thereupon. Award of compensation and extinguishment of rights thereby."

(2) When an application under sub-section (1) is made, the Collector shall—

(a) fix a day for the hearing of the application;

(b) cause notice of the application, and of the day fixed for the hearing thereof, to be served on, or proclaimed for the information of, all persons recorded as having rights in the land specified in the order made under the proviso to sub-section (1) of Section 101 B, and all other persons interested or claiming to be interested therein;

(c) upon the day so fixed for hearing, or any day to which the hearing may be adjourned, inquire into the rights in the land and award compensation in respect of all rights found established therein, to the persons severally entitled thereto;

(d) inform the applicant of the aggregate amount of compensation so awarded and require him to deposit the amount with the Collector on or before a day to be fixed by him in that behalf:

Provided that, notwithstanding anything in this sub-section contained, it shall be lawful for the Collector, in his discretion, and at any time before an award of compensation thereon has been made, to reject any application made under sub-section (1).

India Act of 1894.

(3) In awarding compensation under sub-section (2), the Collector shall be guided by the provisions of Section 23 and Section 24 of the Land Acquisition Act, 1894, so far as the same may be applicable to the circumstances of the case.

(4) Upon the fifteenth day of May next after the whole amount of compensation so awarded has been deposited with the Collector, the order made under the proviso to sub-section (1) of Section 101 B, shall cease to operate and the rights specified therein shall be transferred and vest in the manner prescribed in sub-section (1) of Section 101 B, notwithstanding anything in the proviso thereof contained, and the Collector shall proceed to tender the compensation to the persons severally entitled to receive the same under his award. If any such person shall refuse to accept the sum so awarded and tendered to him, it shall be placed to his credit in the public treasury.

(5) When any order made under the proviso to sub-section (1) of Section 101 B, shall, under the provisions of sub-section (4) of this Section, cease to operate and determine, all rights reserved to any person by such order, shall be extinguished."

"Order under the proviso to sub-section (1) of Section 101 B, to cease to apply to rights voluntarily transferred to a land-owner of the estate to which the land is transferred by fixing boundary."

"101 D. When any person possessing any rights in any land, in regard to the rights in which an order has been made under the proviso to sub-section (1) of Section 101 B, voluntarily transfers such rights to any land-owner of the estate, in the land-owners of which, but for such order, such rights would vest under the operation of sub-section (1) of Section 101 B, the rights so transferred shall forthwith cease to be subject to such order."

"Rights transferred to be liable to all the incidents of tenure of the estate to which the transfer is made."

"101 E. In every case in which, by the operation of Section 101 B or Section 101 C or Section 101 D, proprietary or other rights in land are transferred from the land-owners and other right-holders of any one estate to the land-owners of any other estate, such rights shall be subject to all the incidents of tenure and liabilities which, under any law or custom for the time being in force, apply to the rights of the land-owners of the estate to which such rights are so transferred."

"Meaning of the expression Collector in Sections 101 A, 101 B and 101 C."

"101 F. For the purposes of Sections 101 A, 101 B and 101 C, respectively, the expression "Collector" shall be deemed to include any Revenue Officer appointed by the Local Government to perform all or any of the functions of a Collector under any of the provisions thereof."

Clause added to sub-section (2) of Section 158 of India Act XVII of 1887.

India Act XVII of 1887.

3. After clause (xviii) of sub-section (2) of Section 158 of the Punjab Land Revenue Act, 1887, the following clause shall be added, namely:—

"(xviii a). Any question connected with or arising out of or relating to any proceedings for the determination of boundaries of estates subject to river action under Sections 101 A, 101 B, 101 C and 101 D, respectively, of Chapter VIII."

Amendment of Sections 2 and 3 of Bengal Regulation XI of 1825.

Regulation XI of 1825, Sections 2 and 3.

4. (1) In Section 2 of Bengal Regulation No. XI of 1825 (*a Regulation for declaring the rules to be observed in determining claims to lands gained by alluvion, or by the dereliction of a river, or the sea*) after the words "usage so established shall", the words following shall be inserted, namely:—

India Act XVII of 1887. Punjab Act I of 1899.

"unless and until a boundary is fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899."

(2) In Section 3 of the same Regulation, after the word "where", the words following shall be inserted, namely:—

India Act XVII of 1887. Punjab Act I of 1899.

"no boundary has been fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899, and"

H. J. MAYNARD,

Judicial and Genl. Secy. to Govt., Punjab.

Punjab Government Press, Lahore—3-8-99—705.

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PART IV.—A.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Governor-General in Council.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

THE following Act of the Lieutenant-Governor of the Punjab in Council received the assent of His Honor the Lieutenant-Governor on the 17th May 1899 and that of His Excellency the Viceroy and Governor-General on the 19th June 1899, and is hereby promulgated for general information :—

PUNJAB ACT No. I OF 1899.

THE PUNJAB RIVERAIN BOUNDARIES ACT, 1899.

(*First published in the Punjab Government Gazette on the 3rd August 1899.*)

An Act to amend the Punjab Land Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.

Preamble.

WHEREAS it is expedient to make better provision for the ascertainment and determination of the boundaries between estates which are subject to, or liable to be affected by, the action of a river, and to amend the law relating to the determination of claims to lands gained by alluvion and to prevent disputes as to such boundaries and lands :

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Punjab Riverain Boundaries Act, 1899 ;

(*2*) It extends to the whole of the Punjab ; and

(*3*) It shall come into force at once.

Sections added after Section 101 of India Act XVII of 1887.

2. After Section 101 of the Punjab Land Revenue Act, 1887, the following sections shall be added, namely :— India Act XVII of 1887.

"Power to fix boundary between riverain estates."

" 101 A. (*1*) When any two or more estates are subject to river action and the limits of any such estates are, by any law, custom, decree or order applicable thereto, liable to vary according as variations may from time to time occur in the course or action of such river, the Local Government may, in its discretion, order a permanent boundary line to be fixed between any such estates or such portions thereof as are liable to river action.

(*2*) Upon an order being made under sub-section (*1*), the Collector shall fix a boundary line between such estates or portions of such estates accordingly, and shall demarcate the same, in accordance with the rules (if any) made under Section 100 and the provisions of Section 101.

(3) Every such boundary line shall be fixed with due regard to the history of the estates and the interests of the persons respectively owning them or possessing rights therein, in such manner as may be just and equitable in the circumstances of each case.

(4) No such boundary line shall be deemed to have been permanently fixed until it has been approved by the Financial Commissioner."

"Effect of fixing a boundary between riverain estates: Proviso."

"101 B. (1) Every boundary line fixed in accordance with the provisions of Section 101 A, shall, notwithstanding any law or custom, or any decree or order of any Court of law, to the contrary, be the fixed and constant boundary between the estates affected thereby, and the proprietary and all other rights in every holding, field or other portion of an estate situate on each side of the boundary line so fixed, shall, subject to the following proviso, vest in the land-owners of the estate which lies on that side of the boundary line on which such holding, field or other portion of an estate is situate:

Provided that if, by the operation of this section, the proprietary or any other rights in any land which, at the time a boundary line is fixed, is under cultivation or reasonably fit for cultivation or yields any produce of substantial value, would be transferred from the land-owners and other rightholders of any one estate to the land-owners of any other estate, the Collector shall, by written order, direct that the rights in such land shall, subject to the provisions of Section 101 C and Section 101 D, not be so transferred unless and until the land, in respect of which any such order is made, ceases to be reasonably fit for cultivation, or to yield any produce of substantial value, and, upon any such order being made the transfer of the rights in such land shall be suspended accordingly:

Provided further that when any portion of the land specified in any such order ceases to be reasonably fit for cultivation or to yield any produce of substantial value, the order shall, when the Collector, in writing, so directs, cease to operate as to that portion.

(2) The decision of the Collector as to whether for the purposes of the proviso to sub-section (1) of this section, any land is or is not, reasonably fit for cultivation or does or does not yield any produce of substantial value, shall be final."

"Application for immediate transfer of rights reserved under the proviso to sub-section (1) of Section 101 B, upon payment of compensation, and procedure thereupon. Award of compensation and extinguishment of rights thereby."

"101 C. (1) When any order has been made under the proviso to sub-section (1) of Section 101 B, the landowners (or any of them) in whom, but for such order, the rights in the land specified therein, would vest, may apply, in writing, to the Collector to forthwith transfer the rights, the transfer of which has been suspended by such order, upon payment of compensation for the same.

(2) When an application under sub-section (1) is made, the Collector shall—

(a) fix a day for the hearing of the application;

(b) cause notice of the application, and of the day fixed for the hearing thereof, to be served on, or proclaimed for the information of, all persons recorded as having rights in the land specified in the order made under the proviso to sub-section (1) of Section 101 B, and all other persons interested or claiming to be interested therein;

(c) upon the day so fixed for hearing, or any day to which the hearing may be adjourned, inquire into the rights in the land and award compensation in respect of all rights found established therein, to the persons severally entitled thereto;

(d) inform the applicant of the aggregate amount of compensation so awarded and require him to deposit the amount with the Collector on or before a day to be fixed by him in that behalf:

Provided that, notwithstanding anything in this sub-section contained, it shall be lawful for the Collector, in his discretion, and at any time before an award of compensation thereon has been made, to reject any application made under sub-section (1).

(3) In awarding compensation under sub-section (2), the Collector shall be guided by the provisions of Section 23 and Section 24 of the Land Acquisition Act, 1894, so far as the same may be applicable to the circumstances of the case.

India Act of 1894.

(4) Upon the fifteenth day of May next after the whole amount of compensation so awarded has been deposited with the Collector, the order made under the proviso to sub-section (1) of Section 101 B, shall cease to operate and the rights specified therein shall be transferred and vest in the manner prescribed in sub-section (1) of Section 101 B, notwithstanding anything in the proviso thereof contained, and the Collector shall proceed to tender the compensation to the persons severally entitled to receive the same under his award. If any such person shall refuse to accept the sum so awarded and tendered to him, it shall be placed to his credit in the public treasury.

(5) When any order made under the proviso to sub-section (1) of Section 101 B, shall, under the provisions of sub-section (4) of this Section, cease to operate and determine, all rights reserved to any person by such order, shall be extinguished."

"Order under the proviso to sub-section (1) of Section 101 B, to cease to apply to rights voluntarily transferred to a land-owner of the estate to which the land is transferred by fixing boundary."

"101 D. When any person possessing any rights in any land, in regard to the rights in which an order has been made under the proviso to sub-section (1) of Section 101 B, voluntarily transfers such rights to any land-owner of the estate, in the land-owners of which, but for such order, such rights would vest under the operation of sub-section (1) of Section 101 B, the rights so transferred shall forthwith cease to be subject to such order."

"Rights transferred to be liable to all the incidents of tenure of the estate to which the transfer is made."

"101 E. In every case in which, by the operation of Section 101 B or Section 101 C or Section 101 D, proprietary or other rights in land are transferred from the land-owners and other right-holders of any one estate to the land-owners of any other estate, such rights shall be subject to all the incidents of tenure and liabilities which, under any law or custom for the time being in force, apply to the rights of the land-owners of the estate to which such rights are so transferred."

"Meaning of the expression Collector in Sections 101 A, 101 B and 101 C."

"101 F. For the purposes of Sections 101 A, 101 B and 101 C, respectively, the expression "Collector" shall be deemed to include any Revenue Officer appointed by the Local Government to perform all or any of the functions of a Collector under any of the provisions thereof."

Clause added to sub-section (2) of Section 158 of India Act XVII of 1887.

3. After clause (xviii) of sub-section (2) of Section 158 of the Punjab Land Revenue Act, 1887, the following clause shall be added, namely :— India Act XVII of 1887.

"(xviii *a*). Any question connected with or arising out of or relating to any proceedings for the determination of boundaries of estates subject to river action under Sections 101 A, 101 B, 101 C and 101 D, respectively, of Chapter VIII."

Amendment of Sections 2 and 3 of Bengal Regulation XI of 1825

4. (1) In Section 2 of Bengal Regulation No. XI of 1825 (*a Regulation for declaring the rules to be observed in determining claims to lands gained by alluvion, or by the dereliction of a river, or the sea*) after the words "usage so established shall", the words following shall be inserted, namely :— Regulation XI of 1825, Sections 2 and 3.

"unless and until a boundary is fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899." India Act XVII of 1887. Punjab Act I of 1899.

(2) In Section 3 of the same Regulation, after the word "where", the words following shall be inserted, namely :—

"no boundary has been fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899, and" India Act XVII of 1887, Punjab Act I of 1899.

H. J. MAYNARD,

Judicial and Genl. Secy. to Govt., Punjab.

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Part IV.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of the Governor General, and are hereby published for general information.

[illegible]

LEGISLATIVE DEPARTMENT.

[illegible]

The following Act of the Lieutenant-Governor of the Punjab in Council [illegible]

PUNJAB ACT No. [illegible]

THE PUNJAB [illegible] BOUNDARIES ACT, 1899.

[illegible]

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Published by Authority.

LAHORE, THURSDAY, AUGUST 17, 1899.

PART IV.—A.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Governor-General in Council.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

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PUNJAB ACT No. I OF 1899.

THE PUNJAB RIVERAIN BOUNDARIES ACT, 1899.

(*First published in the Punjab Government Gazette on the 3rd August* 1899.)

An Act to amend the Punjab Land Revenue Act, 1887, *and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.*

Preamble.

WHEREAS it is expedient to make better provision for the ascertainment and determination of the boundaries between estates which are subject to, or liable to be affected by, the action of a river, and to amend the law relating to the determination of claims to lands gained by alluvion and to prevent disputes as to such boundaries and lands :

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Punjab Riverain Boundaries Act, 1899 ;

(*2*) It extends to the whole of the Punjab ; and

(*3*) It shall come into force at once.

Sections added after Section 101 of India Act XVII of 1887.

2. After Section 101 of the Punjab Land Revenue Act, 1887, the following sections shall be added, namely :— India Act XVII of 1887.

"Power to fix boundary between riverain estates."

" 101 A. (*1*) When any two or more estates are subject to river action and the limits of any such estates are, by any law, custom, decree or order applicable thereto, liable to vary according as variations may from time to time occur in the course or action of such river, the Local Government may, in its discretion, order a permanent boundary line to be fixed between any such estates or such portions thereof as are liable to river action.

(*2*) Upon an order being made under sub-section (*1*), the Collector shall fix a boundary line between such estates or portions of such estates accordingly, and shall demarcate the same, in accordance with the rules (if any) made under Section 100 and the provisions of Section 101.

(3) Every such boundary line shall be fixed with due regard to the history of the estates and the interests of the persons respectively owning them or possessing rights therein, in such manner as may be just and equitable in the circumstances of each case.

(4) No such boundary line shall be deemed to have been permanently fixed until it has been approved by the Financial Commissioner."

"Effect of fixing a boundary between riverain estates: Proviso."

"101 B. (1) Every boundary line fixed in accordance with the provisions of Section 101 A, shall, notwithstanding any law or custom, or any decree or order of any Court of law, to the contrary, be the fixed and constant boundary between the estates affected thereby, and the proprietary and all other rights in every holding, field or other portion of an estate situate on each side of the boundary line so fixed, shall, subject to the following proviso, vest in the land-owners of the estate which lies on that side of the boundary line on which such holding, field or other portion of an estate is situate:

Provided that if, by the operation of this section, the proprietary or any other rights in any land which, at the time a boundary line is fixed, is under cultivation or reasonably fit for cultivation or yields any produce of substantial value, would be transferred from the land-owners and other rightholders of any one estate to the land-owners of any other estate, the Collector shall, by written order, direct that the rights in such land shall, subject to the provisions of Section 101 C and Section 101 D, not be so transferred unless and until the land, in respect of which any such order is made, ceases to be reasonably fit for cultivation, or to yield any produce of substantial value, and, upon any such order being made the transfer of the rights in such land shall be suspended accordingly:

Provided further that when any portion of the land specified in any such order ceases to be reasonably fit for cultivation or to yield any produce of substantial value, the order shall, when the Collector, in writing, so directs, cease to operate as to that portion.

(2) The decision of the Collector as to whether for the purposes of the proviso to sub-section (1) of this section, any land is or is not, reasonably fit for cultivation or does or does not yield any produce of substantial value, shall be final."

"Application for immediate transfer of rights reserved under the proviso to sub-section (1) of Section 101 B, upon payment of compensation, and procedure thereupon. Award of compensation and extinguishment of rights thereby."

"101 C. (1) When any order has been made under the proviso to sub-section (1) of Section 101 B, the landowners (or any of them) in whom, but for such order, the rights in the land specified therein, would vest, may apply, in writing, to the Collector to forthwith transfer the rights, the transfer of which has been suspended by such order, upon payment of compensation for the same.

(2) When an application under sub-section (1) is made, the Collector shall—

(a) fix a day for the hearing of the application;

(b) cause notice of the application, and of the day fixed for the hearing thereof, to be served on, or proclaimed for the information of, all persons recorded as having rights in the land specified in the order made under the proviso to sub-section (1) of Section 101 B, and all other persons interested or claiming to be interested therein;

(c) upon the day so fixed for hearing, or any day to which the hearing may be adjourned, inquire into the rights in the land and award compensation in respect of all rights found established therein, to the persons severally entitled thereto;

(d) inform the applicant of the aggregate amount of compensation so awarded and require him to deposit the amount with the Collector on or before a day to be fixed by him in that behalf:

Provided that, notwithstanding anything in this sub-section contained, it shall be lawful for the Collector, in his discretion, and at any time before an award of compensation thereon has been made, to reject any application made under sub-section (1).

India Act of 1894.

(3) In awarding compensation under sub-section (2), the Collector shall be guided by the provisions of Section 23 and Section 24 of the Land Acquisition Act, 1894, so far as the same may be applicable to the circumstances of the case.

(4) Upon the fifteenth day of May next after the whole amount of compensation so awarded has been deposited with the Collector, the order made under the proviso to sub-section (1) of Section 101 B, shall cease to operate and the rights specified therein shall be transferred and vest in the manner prescribed in sub-section (1) of Section 101 B, notwithstanding anything in the proviso thereof contained, and the Collector shall proceed to tender the compensation to the persons severally entitled to receive the same under his award. If any such person shall refuse to accept the sum so awarded and tendered to him, it shall be placed to his credit in the public treasury.

(5) When any order made under the proviso to sub-section (1) of Section 101 B, shall, under the provisions of sub-section (4) of this Section, cease to operate and determine, all rights reserved to any person by such order, shall be extinguished."

"Order under the proviso to sub-section (1) of Section 101 B, to cease to apply to rights voluntarily transferred to a land-owner of the estate to which the land is transferred by fixing boundary."

"101 D. When any person possessing any rights in any land, in regard to the rights in which an order has been made under the proviso to sub-section (1) of Section 101 B, voluntarily transfers such rights to any land-owner of the estate, in the land-owners of which, but for such order, such rights would vest under the operation of sub-section (1) of Section 101 B, the rights so transferred shall forthwith cease to be subject to such order."

"Rights transferred to be liable to all the incidents of tenure of the estate to which the transfer is made."

"101 E. In every case in which, by the operation of Section 101 B or Section 101 C or Section 101 D, proprietary or other rights in land are transferred from the land-owners and other right-holders of any one estate to the land-owners of any other estate, such rights shall be subject to all the incidents of tenure and liabilities which, under any law or custom for the time being in force, apply to the rights of the land-owners of the estate to which such rights are so transferred."

"Meaning of the expression Collector in Sections 101 A, 101 B and 101 C."

"101 F. For the purposes of Sections 101 A, 101 B and 101 C, respectively, the expression "Collector" shall be deemed to include any Revenue Officer appointed by the Local Government to perform all or any of the functions of a Collector under any of the provisions thereof."

Clause added to sub-section (2) of Section 158 of India Act XVII of 1887.

India Act XVII of 1887.

3. After clause (xviii) of sub-section (2) of Section 158 of the Punjab Land Revenue Act, 1887, the following clause shall be added, namely :—

"(xviii *a*). Any question connected with or arising out of or relating to any proceedings for the determination of boundaries of estates subject to river action under Sections 101 A, 101 B, 101 C and 101 D, respectively, of Chapter VIII."

Amendment of Sections 2 and 3 of Bengal Regulation XI of 1825

Regulation XI of 1825, Sections 2 and 3.

4. (1) In Section 2 of Bengal Regulation No. XI of 1825 (*a Regulation for declaring the rules to be observed in determining claims to lands gained by alluvion, or by the dereliction of a river, or the sea*) after the words "usage so established shall", the words following shall be inserted, namely :—

India Act XVII of 1887. Punjab Act I of 1899.

"unless and until a boundary is fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899."

(2) In Section 3 of the same Regulation, after the word "where", the words following shall be inserted, namely :—

India Act XVII of 1887. Punjab Act I of 1899.

"no boundary has been fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899, and"

H. J. MAYNARD,

Judicial and Genl. Secy. to Govt. Punjab.

Punjab Government Press, Lahore—15-8 99—705.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 2, 1899.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th January, 1899:—

NO. I OF 1899.

THE INDIAN PETROLEUM BILL.

CONTENTS

A Bill to consolidate and amend the law relating to the importation, possession and transport of petroleum and other substances.

WHEREAS it is expedient to consolidate and amend the law relating to the importation, possession and transport of petroleum and other substances; It is hereby enacted as follows:—

Preliminary.

Short title, commencement and extent.

1. (*1*) This Act may be called the Indian Petroleum Act, 1899; and

(*2*) It shall come into force at once.

(*3*) Sections 1 to 3, section 25, and all the provisions of this Act in so far as they relate to dangerous petroleum and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may, by notification in the local official Gazette, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "petroleum" includes also—

(*i*) the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, paraffin oil, mineral oil, kerosine, petroline, gasoline, benzoline, benzine and benzol;

(*ii*) any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any product of petroleum; and

(*iii*) any liquid, or viscous mixture having in its composition any of the liquids aforesaid;

but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer:

(*b*) "dangerous petroleum" means petroleum having its flashing point below seventy-six degrees of Fahrenheit's thermometer:

Provided that, when all or any of the petroleum on board a ship, or in the possession of a dealer, is declared by the master of the ship or the consignee of the cargo, or by the dealer, as the case may be, to be of one uniform quality, the petroleum shall not be deemed to be dangerous, if the samples selected from the petroleum have their flashing points, on an average, at or above seventy-three degrees of Fahrenheit's thermometer, and if no one of these samples has its flashing point below seventy degrees of that thermometer:

(*c*) to "import" means to bring into British India by sea or land:

(*d*) to "transport" means to remove within British India from one place to another:

(*e*) "prescribed" means prescribed by rules made under this Act: and

(*f*) "ship" includes anything made for the conveyance by water of human beings or property.

Matters supplemental to definitions.

3. (*1*) The "flashing point" of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested in accordance with the directions in the first schedule with an apparatus which has been stamped and certified as provided by this Act within a period of five years immediately preceding the date on which the apparatus is used for the testing, and after the corrections (if any) which the certificate declares are to be applied to the results of the testing, have been made. [4 (*1*), (*2*).]

(*2*) Notwithstanding anything in the definitions of "import" and "transport," the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare—

(*a*) that petroleum imported into the Province from any part of British India, by sea or across intervening territory not being part of British India, shall, for all or any of the purposes of this Act, be deemed to be transported; and

(*b*) that petroleum transported into the Province from any place in British India shall, for all or any of those purposes, be deemed to be imported;

and thereupon the provisions of this Act and of the rules made under this Act, with respect to transport and import, respectively, shall apply to petroleum so imported or transported.

Power to vary tests and prescribe new tests.

4. (*1*) The Governor General in Council may, by notification in the Gazette of India, alter or add to the first schedule by laying down new or varied tests and directions for preparing and using them; and, after the issue of any such notification as aforesaid, the reference in section 3, sub-section (*1*), to the first schedule shall be construed as referring to the said schedule as so altered or added to for the time being. [4 (3).]

(*2*) The Governor General in Council may, in like manner, lay down special tests and issue special instructions in respect of the testing of any substance other than petroleum to which the whole or any portion of this Act may be applied in exercise of the power conferred by section 22, and for which the tests in the first schedule are unsuitable. [New.]

[4 (4).] X of 1897. (3) The provisions of section 23 of the General Clauses Act, 1897, shall apply to notifications under this section as if they were rules or orders required to be made after previous publication.

Dangerous Petroleum.

[5.] 5. (1) No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported or kept by any one person or on the same premises, except under, and in accordance with the conditions (if any) of, a license from the Local Government granted as next hereinafter provided.

Dangerous petroleum in quantities exceeding forty gallons.

(2) Every application for such a license shall be in writing in the prescribed form, and shall contain the prescribed particulars.

[6.] 6. No quantity of dangerous petroleum equal to, or less than, forty gallons shall be kept or transported without a license:

Dangerous petroleum in quantities not exceeding forty gallons.

Provided that nothing in this section shall apply in any case when the quantity of the petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and the petroleum is placed in separate glass, stoneware or metal vessels, each of which contains not more than a pint and is securely stopped.

[7.] 7. Dangerous petroleum—

Vessels containing dangerous petroleum to be labelled.

(a) which is imported and is kept at any place after seven days from the date of its importation, or

(b) which is transported, or

(c) which is sold or exposed for sale,

shall be contained in vessels having attached thereto labels in conspicuous characters stating the description of the petroleum, with the addition of the words "highly inflammable" and with the addition,—

(d) in the case of a vessel kept, of the name and address of the consignee or owner;

(e) in the case of a vessel transported, of the name and address of the sender; and,

(f) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

Petroleum generally.

[New.] 8. (1) The Governor General in Council may make rules to carry out the purposes and objects of this Act.

Power for Governor General in Council to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the granting of licenses to transport petroleum from any part of British India to any other part of British India in cases in which such licenses are by law required. [11 (3).]

9. (1) The Local Government, with the previous sanction of the Governor General in Council, may make rules to regulate the importation of petroleum and the granting of licenses to possess or to transport petroleum within the Province in cases in which such licenses are by law required. [8 and 11 (1), (2).]

Power for Local Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) determine the ports at which alone petroleum may be imported; [8 (1) (a).]

(b) provide for ascertaining the quantity and description of any petroleum on board any ship; [8 (1) (b).]

(c) determine the places at which, and the conditions on and subject to which, petroleum may be discharged into boats, landed, transhipped or stored; [8 (1) (c).]

(d) provide for the selection by an officer appointed by the Local Government in this behalf, and for the delivery to him, either after or before petroleum has been landed, of samples of all petroleum landed or intended to be landed; [8 (1) (d).]

(e) provide, in the case of each consignment which is stated to be of one uniform quality, for the number of samples to be selected, and for the averaging of the results of the testing of those samples; [8 (1) (e).]

(f) provide, where the results of the testing of the samples raise a doubt as to the uniformity of the quality of the petroleum in any such consignment, for the division of the consignment into lots, and for the selection and testing of samples of each lot, and for the treatment of the lot in accordance with the results of the testing of those samples; [8 (1) (f).]

(g) fix fees for the sampling and testing of petroleum; [8 (1) (g).]

(h) fix fees for the storage of petroleum unless a body of port commissioners or other like body is empowered in that behalf; [8 (1) (h).]

(i) define, with respect to any petroleum produced within the Province, the limits of the places in which such petroleum is to be refined; [8 (2) (a).]

(j) provide for the testing at or near those places of petroleum so produced; [8 (2) (b).]

[8 (2) (c).] (k) prevent the removal from those limits, otherwise than under the provisions of this Act applicable to dangerous petroleum, of petroleum so produced which has not satisfied the prescribed tests;

[11 (2) (e).] (l) prescribe the authority by which licenses to possess or to transport petroleum may be granted;

[11 (2) (f).] (m) fix the fee to be charged for any such license;

[11 (2) (g).] (n) limit the quantity of petroleum to be covered by any such license;

[11 (2) (h).] (o) prescribe the conditions which may be inserted in any such license;

[11 (2) (i).] (p) limit the time during which any such license is to continue in force;

[11 (2) (j).] (q) provide for the renewal of any such license;

[11 (2) (a), (b).] (r) provide for the nature and situation of the premises in respect of which licenses to possess petroleum may be granted, the inspection of premises so licensed and the testing of petroleum found thereon; and

[11 (2) (c), (d).] (s) prescribe the manner in which the petroleum covered by a license to transport is to be packed, the mode and time of its transit, the route by which it is to be taken, and its stoppage and inspection during transit.

Procedure after petroleum has been discharged or landed.

[9.] **10.** (1) Petroleum discharged into boats or landed in accordance with rules made under section 9, sub-section (2), shall not be removed from the boats or places in or at which it is stored until the samples selected therefrom in accordance with those rules have been tested by an officer appointed by the Local Government in this behalf and the officer has given a certificate that the petroleum is not dangerous petroleum.

(2) If the officer, after testing the samples, refuses to give the certificate in respect of any petroleum, the Local Government may permit the consignee, within a time to be fixed by the Local Government in this behalf,—

(a) to rectify the petroleum,

(b) to apply for a license to import the petroleum as dangerous petroleum, or

(c) to re-export the petroleum.

(3) If the consignee does not, within the time fixed under sub-section (2), avail himself of the permission granted under that sub-section, the petroleum may be disposed of as the Local Government may direct.

(4) Notwithstanding anything in the foregoing provisions of this section, the Local Government, in its discretion, may, where the officer has refused the certificate, direct that the petroleum be re-tested by another officer appointed by it in this behalf, and may, if that officer advises that the petroleum is not dangerous petroleum, authorize its removal from the boats or places in or at which it is stored.

Possession and transport of petroleum.

11. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person or on the same premises, or shall be transported, except under, and in accordance with the conditions of, a license granted under this Act: [10.]

Provided that the Local Government may, by notification in the local official Gazette, exempt from the operation of this section petroleum when transported in such particular manner and under such particular conditions as may be set forth in the notification.

Power to inspect and require dealer to sell samples.

12. Any officer specially authorized in this behalf by the Local Government may require any dealer in petroleum to show him any place and any of the vessels in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of the petroleum on payment of the value of the samples. [12.]

Notice to be given when officer proposes to test samples.

13. When any such officer has, in exercise of the powers conferred by section 12, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to the dealer informing him that he is about to test the sample, or cause it to be tested, at a time and place to be fixed in the notice, and that the dealer or his agent may be present at the testing. [13.]

Certificate as to result of testing.

14. On any such testing, if it appears to the officer or other person so testing that the petroleum from which the sample has been taken, is or is not dangerous petroleum, the officer or other person may certify the fact; and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession the petroleum was found, and shall, until the contrary is proved, be proof of the fact stated therein; and a certified copy of the certificate shall be given, free of charge, to the dealer at his request. [14.]

Penalties.

Penalty for illegal importation, possession or transport of petroleum or for refusal to comply with section 12.

15. Whoever,— [15 and 17.]

(a) in contravention of this Act or of any of the rules thereunder, imports, possesses or transports any petroleum; or

(*b*) otherwise contravenes any such rules as aforesaid ; or

(*c*) breaks any condition contained in a license granted under this Act ; or,

(*d*) being a dealer in petroleum, refuses or neglects to show to any officer authorized under section 12 any place or any of the vessels in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of the petroleum on payment of the value of the samples ;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

[16.] **16.** *Penalty for contravention of section 7.* Whoever keeps, sells or exposes for sale dangerous petroleum in vessels not labelled as prescribed by section 7 shall be punishable with fine which may extend to five hundred rupees.

[18.] **17.** *Confiscation of petroleum.* In any case in which an offence under section 15, clause (*a*), clause (*b*) or clause (*c*), or section 16 has been committed, the convicting Magistrate may direct that—

(*a*) the petroleum in respect of which the offence has been committed, or,

(*b*) where the offender is importing or transporting, or is in possession of, any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing or transporting or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

[19.] **18.** *Jurisdiction.* The criminal jurisdiction under this Act shall, in the Presidency-towns, be exercised by a Presidency Magistrate, and, elsewhere, by a Magistrate of the first class or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Test-apparatus.

[20.] **19.** *Model test-apparatus.* A model of the apparatus for testing petroleum under this Act shall be deposited in the office of the Chemical Examiner to Government, Calcutta, and be marked with the words "Model test-apparatus."

[21.] **20.** (*1*) *Verification of test-apparatus.* The Chemical Examiner shall, on payment of the prescribed fee (if any), compare with the said model test-apparatus and verify every apparatus for testing petroleum which is submitted to him for the purpose.

(*2*) If any apparatus for testing petroleum, when compared and verified as provided by sub-section (*1*), is found correct, or correct subject to certain corrections to be applied to the results of the tests, the Chemical Examiner shall stamp the same with a special number and with the date of the verification, and shall further give a certificate in writing under his hand, in the prescribed form, to the effect that on the date aforesaid the apparatus was compared and verified by him and found to be correct, or correct subject to certain specified corrections to be applied to the results of the tests.

(*3*) A certificate granted under this section shall, until the contrary is proved, be proof of the matters stated therein.

(*4*) The Chemical Examiner shall keep a register, in the prescribed form, of all certificates granted under this section.

(*5*) Subject to the payment of the prescribed fees (if any), the said model test-apparatus shall be at all reasonable times open to inspection by any person desiring to inspect it.

Miscellaneous.

21. *Power to exempt petroleum from operation of Act.* The Local Government may, by notification in the local official Gazette, exempt from the operation of all or any of the provisions of this Act, or of all or any of the rules made under this Act, any petroleum which has its flashing point at or above one hundred and twenty degrees of Fahrenheit's thermometer and is imported as ordinary cargo and in quantity not exceeding that specified in the notification. [22.]

22. (*1*) *Power to apply Act to other substances.* The Governor General in Council may, by notification in the Gazette of India, apply the whole or any portion of this Act to any substance, other than petroleum, and may by the notification fix, in substitution for the quantities of petroleum fixed by sections 5, 6 and 11, the quantities of the substance to which those sections shall apply [23.]

(*2*) When the whole or any portion of this Act has been applied as aforesaid to any substance other than petroleum, the provisions so applied shall be construed with all necessary modifications and shall have effect as if such other substance had been included in the definition of petroleum.

23. *Power to limit operation of enactments, relating to possession or transport of petroleum, in municipalities.* The Governor General in Council may, by notification in the Gazette of India and in the local official Gazette, limit, in any manner he deems fit, the operation of any enactment for the time being in force relating to municipalities in any local area or to any particular municipality, and the exercise of any power conferred by any such enactment, in so far as the enactment relates to the possession or transport of petroleum. [24.]

24. (*1*) *Previous publication, etc., of rules.* Every power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication in such manner as the Governor General in Council may, by notification in the Gazette of India, direct. [26 (*1*), (*2*), (*3*), (*4*), (*6*).]

(*2*) All rules made by the Governor General in Council or by the Local Government under this Act shall be published in the Gazette of India or the local official Gazette, as the case may be, and on such publication shall have effect as if enacted by this Act. [26 (*5*).]

25. *Repeal.* The enactments mentioned in the second schedule are hereby repealed to the extent specified in the fourth column thereof. [2.]

THE FIRST SCHEDULE.

TESTING.

(*See section 3.*)

I.—Nature of the Test-apparatus.

The apparatus consists of the following parts :—

(1) the oil-cup ;

(2) the cover, with slide, test-lamp, and clockwork arrangement for opening and closing the holes in the cover and for dipping the test-flame;

(3) the water-bath or heating vessel ;

(4) the tripod stand with jacket and spirit-lamp for heating the water-bath ;

(5) the thermometer for indicating the temperature of the oil in the oil-cup ;

(6) the temperature for indicating the temperature of the water in the water-bath ;

(7) the thermometer for indicating the temperature of the oil before it is poured into the oil-cup ;

(8) the dropping bottle or *pipette* for replenishing the test-lamp ; and

(9) a barometer standardised at the Meteorological Office of the Province or at any other place appointed by the Local Government.

The oil-cup is a cylindrical flat-bottomed vessel made of gun-metal or brass, and tinned or silvered inside. A gauge is fixed to the inside of the cup to regulate the height to which it is to be filled with the sample under examination.

The cup is provided with a close-fitting overlapping cover, which carries the thermometer, the test-lamp and the adjuncts thereto. The test-lamp is suspended upon two supports by means of trunnions, which allow it to be easily inclined to a particular angle and restored to its original position. The socket in the cover, which is to hold a round bulb thermometer for indicating the temperature of the oil during the testing operation, is so adjusted that the bulb of the latter is always inserted in a definite position below the surface of the liquid.

The cover is provided with three holes, one in the centre and two smaller ones close to the sides. These are closed and opened by means of a pivoted slide. When the slide is moved so as to uncover the holes, the suspended lamp is caught by a projection fixed on the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. As the slide moves back so as to cover the holes, the lamp returns to its original position. Upon the cover, in front of and in a line with the nozzle of the lamp, is fixed a white bead, the diameter of which presents the size of the test-flame to be used.

The water-bath or heating vessel is so constructed that, when the oil-cup is placed in position in it, an air-space or air chamber intervenes between the two ; consequently, in applying the test under ordinary circumstances, the heat is transmitted gradually to the oil from the hot water through the air-space. The water-bath is fitted with a socket for receiving a long bulb thermometer, to indicate the temperature of the water. It is also provided with a funnel, an overflow-pipe and two handles.

The water-bath rests upon a tripod stand, which is fitted with a copper cylinder or jacket, so that the bath is surrounded by an enclosed air-space, which retains and regulates the heat. One of the legs of the stand serves as a support for a spirit-lamp, which is attached to it by a small swing bracket.

The clockwork arrangement, by which during the operation of testing the slide is withdrawn, and the test-flame dipped into the cup and raised again as the slide is replaced, is provided with a ratchet key for setting it in action for each test, and with a trigger for starting it each time that the test-flame is applied.

II.—Directions for drawing the Sample and preparing it for testing.

1. *Drawing the sample.*—In all cases the testing officer or some person duly authorised by him shall personally superintend the drawing of the sample from an original unopened tin or other vessel.

An opening sufficiently large to admit of the oil being rapidly poured or cyphoned from the tin or other vessel shall be made.

Two bottles, each of the capacity of about forty fluid ounces, are to be filled with the oil. One of these, the contents of which is intended to be preserved for reference in case of need, is to be carefully corked, the cork being well driven home, cut off level with the neck, and melted sealing-wax worked into it. The other bottle may be either stoppered or corked.

2. *Preparing the sample for testing.*—About ten fluid ounces of the oil, sufficient for three tests, are transferred from the bottle into which the sample has been drawn to a pint flask or bottle, which is to be immersed in water artificially cooled until a thermometer, introduced into the oil, indicates a temperature not exceeding 50° Fahrenheit.

III.—Directions for preparing and using the Test-apparatus.

1. *Preparing the water-bath.*—The water-bath is filled by pouring water into the funnel until it begins to flow out at the overflow-pipe. The temperature of the water at the commencement of each test, as indicated by the long bulb thermometer, is to be 130° Fahrenheit, and this is attained in the first instance by mixing hot and cold water, either in the bath or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or the water is heated by means of the spirit-lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

2. *Preparing the test-lamp.*—The test-lamp is fitted with a piece of cylindrical wick of such thickness that it fills the wick-holder, but may readily be moved to and fro for the purpose of adjusting the size of the flame. In the body of the lamp, upon the wick, which is coiled within it, is placed a small tuft of cotton wool, moistened with petroleum, any oil not absorbed by the wool being removed. When the lamp has been lighted, the wick is adjusted by means of a pair of forceps until the flame is of the size of the bead fixed on the cover of the oil-cup; should a particular test occupy so long a time that the flame begins to get smaller, through the supply of oil in the lamp becoming exhausted, three or four drops of petroleum are allowed to fall upon the tuft of wool in the lamp from the dropping bottle or *pipette* provided for that purpose. This can be safely done without interrupting the test.

3. *Filling the oil-cup.*—The oil-cup having been previously cooled, by placing it bottom downwards in water at a temperature not exceeding 50° Fahrenheit, is to be rapidly wiped dry, placed on a level surface in a good light, and the oil to be tested is poured in very slowly, without splashing, until its surface is level with the point of the gauge which is fixed in the cup. The round bulb thermometer is inserted into the lid of the cup, care being taken that the projecting rim of the collar touches the edge of the socket; the test-lamp, prepared as already described, is placed in position, and the cover is then put on to the cup and pressed down so that its edge rests on the rim of the cup.

4. *Application of the test.*—The water-bath, with its thermometer in position, is placed in some locality where it is not exposed to currents of air, and where the light is sufficiently subdued to admit of the size of the entire

test-flame being compared with that of the bead on the cover. The cup is carefully lifted without shaking it, and placed in the bath, the test-lamp is lighted, and the clockwork wound up by turning the key. The thermometer in the oil-cup is now watched, and, when the temperature has reached 56° Fahrenheit, the clockwork is set in motion by pressing the trigger.

If no flash takes place, the clockwork is at once rewound and the trigger pressed at 57° Fahrenheit, and so on, at every degree rise of temperature, until the flash occurs, or until a temperature of 95° Fahrenheit has been reached.

If the flash takes place at any temperature below 77° Fahrenheit, the temperature at which it occurs is to be recorded. Two fresh portions of the sample are then to be successively tested in a similar manner and the results recorded. If no greater difference than 2° Fahrenheit exists between any two of the three recorded results, and if in no instance the flash has taken place within eight degrees of the temperature at which the testing is commenced, each result is to be corrected for atmospheric pressure as hereafter described, and the average of the three corrected results is the flashing point of the sample. In the event of there being a greater difference than 2° Fahrenheit between any two of the results, while in no instance has the flash taken place within eight degrees of the temperature at which the testing was commenced, the series of tests is to be rejected, and a fresh series of three similarly obtained, and so on, until a sufficiently concordant series is furnished, when the results are to be corrected and the average taken in the manner already described.

If, however, a flash has occurred at or below 64° when the test is applied in the manner above described, the next testing shall be commenced ten degrees lower than the temperature at which the flash had been previously obtained (that is to say, at 54° or thereunder), and this procedure shall be continued until the results of three consecutive tests do not show a greater difference than 2° and until a flash has not occurred in any of the three tests within eight degrees of the temperature at which the testing is commenced: Provided always that, if at the commencement of the series of tests a flash has occurred on the first application of the test-flame at 56°, and if a flash has also occurred on the first application of the flame in each of three successive tests in which, thereupon, the test-flame is first applied at 46° as above directed, the testing officer shall certify that the petroleum has a flashing point below 47°, and the sample shall be reported dangerous.

If a temperature of 76° Fahrenheit has been reached without a flash occurring, the application of the test-flame is to be continued at every degree rise of temperature until a temperature of 95° Fahrenheit has been reached. If no flash has occurred up to this point, and if the petroleum is declared to be imported subject to the provisions of the Act, the tests shall not be continued, and the testing officer shall certify that the petroleum has a flashing point over 95° and is not dangerous. But, if the petroleum is oil ordinarily used for lubricating purposes and is declared to have its flashing point at or above 200° or is oil to which a notification of the Local Government exempting it from the operation of the Act will be applicable in the event of the flashing point being found to be at or above 120°, the test shall be continued as follows:—The oil-cup is to be removed from the water-bath, and the temperature of the water in the water-bath is to be reduced to 95° Fahrenheit by pouring cold water into the funnel (the hot water escaping by the overflow-pipe). The air-chamber is then to be filled to a depth of 1½ inches with water at a temperature of about 95° Fahrenheit, the oil-cup is to be replaced in the water-bath and the spirit-lamp attached to the water-bath is to be lighted and placed underneath. The test-flame is then to be again applied, from 96° Fahrenheit, at every degree rise of temperature as indicated by the thermometer in the oil-cup until a flash takes place or until a temperature of 200° Fahrenheit or 120° Fahrenheit, as the case may be, has been reached. If during this operation the test-flame appears to diminish in size, the lamp is to be replenished in the manner prescribed at (2) without interrupting the test.

If a flash occurs at any temperature between 76° and 200° Fahrenheit, the temperature at which it occurs, subject to correction for atmospheric pressure, is the flashing point of the sample.

In repeating a test a fresh sample of oil must always be used, the tested sample being thrown away, and the cup must be wiped dry from any adhering oil and cooled, as already described, before receiving the fresh sample.

5. *Correction for atmospheric pressure.*—As the flashing point of an oil is influenced by changes in atmospheric pressure to an average extent of 1·6° Fahrenheit for every inch of the barometer, a correction of the observed flashing point may become necessary. The height of the barometer must therefore be determined at the time of making the test for the flashing point. The true height of the barometer for the purpose of the test shall be considered to be the height of the column of mercury measured at 32° Fahrenheit, which is supported by the air pressure at the time of the experiment; that is, the actual height of the barometer at the time of observation duly corrected for any error of the instrument and for its temperature, if necessary. For the purpose of applying the correction to the flashing point of the oil obtained by the test, a table is appended to this schedule giving the flashing points of oils ranging from 65° to 80° Fahrenheit, under pressure ranging from 27 to 31 inches of mercury.

The table is used in the following manner :—

Example.—An oil has given a flashing point of 71°, the barometer being at 28·5 inches; take the nearest number to 71° in the vertical column headed 28·6. This number is 70·8. Substitute for this the number in the same horizontal line in the column headed 30 (the normal height of the barometer). The substituted number, that is, the true flashing point of the oil, is 73°.

Table for correction of Flashing Points indicated by the test for Variations in Barometric Pressure on either side of Thirty Inches.

Barometer in inches.

27	27·2	27·4	27·6	27·8	28	28·2	28·4	28·6	28·8	29	29·2	29·4	29·6	29·8	30	30·2	30·4	30·6	30·8	31
Flashing Point in Degrees Fahrenheit.																				
60·2	60·5	60·8	61·2	61·5	61·8	62·1	62·4	62·8	63·1	63·4	63·7	64	64·4	64·7	65	65·3	65·6	66	66·3	66·6
61·2	61·5	61·8	62·2	62·5	62·8	63·1	63·4	63·8	64·1	64·4	64·7	65	65·4	65·7	66	66·3	66·6	67	67·3	67·6
62·2	62·5	62·8	63·2	63·5	63·8	64·1	64·4	64·8	65·1	65·4	65·7	66	66·4	66·7	67	67·3	67·6	68	68·3	68·6
63·2	63·5	63·8	64·2	64·5	64·8	65·1	65·4	65·8	66·1	66·4	66·7	67	67·4	67·7	68	68·3	68·6	69	69·3	69·6
64·2	64·5	64·8	65·2	65·5	65·8	66·1	66·4	66·8	67·1	67·4	67·7	68	68·4	68·7	69	69·3	69·6	70	70·3	70·6
65·2	65·5	65·8	66·2	66·5	66·8	67·1	67·4	67·8	68·1	68·4	68·7	69	69·4	69·7	70	70·3	70·6	71	71·3	71·6
66·2	66·5	66·8	67·2	67·5	67·8	68·1	68·4	68·8	69·1	69·4	69·7	70	70·4	70·7	71	71·3	71·6	72	72·3	72·6
67·2	67·5	67·8	68·2	68·5	68·8	69·1	69·4	69·8	70·1	70·4	70·7	71	71·4	71·7	72	72·3	72·6	73	73·3	73·6
68·2	68·5	68·8	69·2	69·5	69·8	70·1	70·4	70·8	71·1	71·4	71·7	72	72·4	72·7	73	73·3	73·6	74	74·3	74·6
69·2	69·5	69·8	70·2	70·5	70·8	71·1	71·4	71·8	72·1	72·4	72·7	73	73·4	73·7	74	74·3	74·6	75	75·3	75·6
70·2	70·5	70·8	71·2	71·5	71·8	72·1	72·4	72·8	73·1	73·4	73·7	74	74·4	74·7	75	75·3	75·6	76	76·3	76·6
71·2	71·5	71·8	72·2	72·5	72·8	73·1	73·4	73·8	74·1	74·4	74·7	75	75·4	75·7	76	76·3	76·6	77	77·3	77·6
72·2	72·5	72·8	73·2	73·5	73·8	74·1	74·4	74·8	75·1	75·4	75·7	76	76·4	76·7	77	77·3	77·6	78	78·3	78·6
73·2	73·5	73·8	74·2	74·5	74·8	75·1	75·4	75·8	76·1	76·4	76·7	77	77·4	77·7	78	78·3	78·6	79	79·3	79·6
74·2	74·5	74·8	75·2	75·5	75·8	76·1	76·4	76·8	77·1	77·4	77·7	78	78·4	78·7	79	79·3	79·6	80	80·3	80·6
75·2	75·5	75·8	76·2	76·5	76·8	77·1	77·4	77·8	78·1	78·4	78·7	79	79·4	79·7	80	80·3	80·6	81	81·3	81·6

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(*See section 25.*)

Year.	Number.	Short title.	Extent of repeal.
1886	XII	The Petroleum Act, 1886 . . .	The whole.
1890	XIV	The Petroleum Act (1886) Amendment Act, 1890.	Ditto.
1891	XII	The Repealing and Amending Act, 1891 .	So much as relates to Act XII of 1886.
1897	XIV	The Indian Short Titles Act, 1897 .	So much as relates to Act XIV of 1890.
1898	VII	The Petroleum Act, 1898 . . .	The whole.

STATEMENT OF OBJECTS AND REASONS.

THIS is in the main a Consolidation Bill, which is intended to repeal and reproduce three Acts entirely and parts of two others. In so far as it is an amending measure, the changes proposed are based upon the following considerations.

2. There are other illuminant or inflammable substances which require regulation on the same lines as petroleum and its compounds, but are beyond the reach of the law as it now stands. Carbide of calcium, for instance, is becoming a common illuminant; but it is not in itself inflammable, although the gases generated by it are dangerously so, and, being a solid, it cannot be brought within the purview of the present Act—the Petroleum Act, 1886—by means of a notification under section 23 thereof. The language of that Act has, therefore, been widened so as to make it capable of application to carbide of calcium and other substances which may hereafter be brought into use in this country and which it may be desirable, in the public interest, to control by including them in the same category as petroleum.

3. New and improved tests for different substances are from time to time devised. By the Petroleum Act, 1898, an amending measure, power was accordingly taken to prescribe, by means of alterations of, or additions to, the schedule to the Act of 1886, new and varied tests and directions for preparing and using them; and it is now proposed to extend this power so as to provide for the laying down independently of special tests and the issue of special instructions in the case of other substances for which the scheduled tests are altogether unsuitable.

4. The opportunity has been taken to make an addition to section 10 of the Act—see clause 11 of the Bill—with the object of enabling the Government to exempt from the restrictions as to possession and transport petroleum when transported in such particular manner and under such particular conditions as may be set forth in the exempting notification. Experience has shown that some provision of this kind is desirable.

5. The remaining alterations incorporated in the Bill are of a formal character and intended merely to improve and simplify the language and contents generally of the existing Act. They appear to require no detailed explanation.

C. M. RIVAZ.

The 16th January, 1899.

H. W. C. CARNDUFF,

Offg. Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 23, 1899.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th March, 1899:—

NO. 2 OF 1899.

A Bill to further amend the Indian Tariff Act, 1894.

WHEREAS it is expedient to further amend the Indian Tariff Act, 1894; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Tariff Amendment Act, 1899; and

(*2*) It shall come into force at once.

VIII of 1894.

Addition of new section 8 A after section 8, Act VIII, 1894.

2. After section 8 of the Indian Tariff Act, 1894, the following section shall be added, namely:—

Additional import duty on bounty-fed articles.

"8A. (*1*) Where any country, dependency or colony pays or bestows, directly or indirectly, any bounty or grant upon the exportation therefrom of any article and the article is chargeable with duty under the provisions of this Act, then, upon the importation of any such article into British India, whether the same is imported directly from the country of production or otherwise, and whether it is imported in the same condition as when exported from the country of production or has been changed in condition by manufacture or otherwise, the Governor General in Council may, by notification in the Gazette of India, impose an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed.

"(*2*) The net amount of any such bounty or grant as aforesaid shall be, from time to time, ascertained, determined and declared by the Governor General in Council, and the Governor General in Council may, by notification in the Gazette of India, make rules for the identification of such articles and for the assessment and collection of any additional duty imposed upon the importation thereof under sub-section (*1*)."

STATEMENT OF OBJECTS AND REASONS.

DURING the last two years there has been a rapid and large increase in the amount of bounty-fed sugar imported into India, especially from Germany and Austro-Hungary. This appears to be seriously affecting the important sugar industries of India, as it is reported that many refineries have already ceased to work and that others are on the verge of being closed.

2. The present Bill has been prepared with the object of enabling the Government of India to impose countervailing duties on bounty-fed articles at the port of importation and thus to preserve the sugar cultivation and industries of this country.

The 10th March, 1899.

J. WESTLAND.

H. W. C. CARNDUFF,
Offg. Secy. to the Govt. of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 6, 1899.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th March, 1899:—

NO. 3 OF 1899.

A Bill to provide for the Regulation and Inspection of Mines.

WHEREAS it is expedient to provide for the regulation and inspection of mines; It is hereby enacted as follows:—

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Mines Act, 1899.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force on the first day of , 1899.

Saving of Regulation XII, 1887.

2. Nothing in this Act shall be construed to affect the provisions of the Upper Burma Ruby Regulation, 1887. XII of 1887.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "agent," when used in relation to a mine, means any person appointed as the representative of the owner in respect of the mine or of any part thereof, and as such superior to a manager appointed under this Act; [Cf. 50 & 51 Vict., c. 58, s. 75.]

(*b*) "child" means a person under the age of fourteen years; [Cf. XV of 1881, s. 2.]

(*c*) a person is said to be "employed" in a mine who works therein, whether for wages or not, in any mining operation, or in cleaning or oiling any part of any machinery used in the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations; [Cf. ibid.]

(*d*) "mine" includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven for commencing or opening any mine or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to the mine; [Cf. 35 & 36 Vict., c. 77, s. 41.]

(*d*) "owner," when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, and does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability; [Cf. 50 & 51 Vict., c. 58, s. 75.]

(*e*) "prescribed" means prescribed by rules made under this Act; and

(*f*) "shaft" includes pit. [Cf. 50 & 51 Vict., c. 58, s. 75.]

Inspectors.

Inspectors.

4. (*1*) The Governor General in Council shall, by notification in the Gazette of India, appoint a person to be Inspector of Mines throughout British India. [Cf. XV of 1881, s. 3.]

(2) The Local Government may, in its discretion, by notification in the local official Gazette, appoint such persons as it thinks fit to be Inspectors of Mines within such local areas as it may assign to them respectively.

(3) Every Inspector of Mines appointed under sub-section (2) shall, in the performance of his duties, be subordinate to the Inspector of Mines appointed under sub-section (1) in such respects and to such extent as may be prescribed by the Governor General in Council. LV of 860.

(4) Every Inspector of Mines appointed under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code, and shall be subordinate to such authority as the Governor General in Council or the Local Government, as the case may be, may direct.

[Cf. ibid, s. 2.]

Powers of District Magistrate.

5. The District Magistrate may exercise such of the powers and perform such of the duties of an Inspector of Mines appointed under section 4, sub-section (2), as the Local Government may, by general or special order, direct.

[Cf. ibid., s. 4.]

Powers of Inspectors of Mines.

6. An Inspector of Mines may, anywhere within British India or within the local area for which he is appointed, as the case may be,—

(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act are observed in the case of any mine;

(b) enter, with such assistants (if any) as he thinks fit, inspect and examine any mine and any part thereof at all reasonable times by day or by night, but not so as unreasonably to impede or obstruct the working of the mine;

(c) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the special rules for the time being in force in the mine and all matters and things connected with or relating to the safety of the persons employed in or about the mine;

(d) order that any person shall not be employed in, or admitted to, a mine where he has ground for believing that such employment or admission would, by reason of the age or sex of such person, be in contravention of this Act;

(e) do all other things required of him by this Act and exercise such other powers as may be necessary for carrying this Act into effect.

[Cf. 50 & 51 Vict., c. 58, s. 41. § 2.]

Facilities to be afforded to Inspectors.

7. Every owner, agent or manager of a mine shall furnish every Inspector of Mines, on requisition, with the means necessary for making any entry, inspection, examination or inquiry in relation to the mine under this Act.

[Cf. 11 of 1896, s. 17.]

Information acquired to be deemed official secrets within meaning of Act XV, 1889.

8. (1) All copies of, and extracts from, registers or other records appertaining to any mine, and all other information acquired by an Inspector of Mines, or by any one assisting him, in the inspection of any mine under this Act, shall be regarded as strictly confidential and shall be deemed to be official secrets.

(2) If any such person discloses to any one, other than an officer to whom such Inspector is subordinate, any such official secret as aforesaid without the previous consent in writing of the Local Government, he shall be guilty of a breach of official trust, and shall be punishable in the manner provided by section 4 of the Indian Official Secrets Act, 1889. XV of 1889.

(3) The restriction imposed by section 5 of the last-mentioned Act shall not apply to a prosecution for a breach of official trust under this Act.

Operatives.

Employment and admission of children in or to mines.

[Cf. 50 & 51 Vict., c. 58, s. 4.]

9. (1) No child shall be employed below ground in any mine if he is under the age of ten years.

(2) No child shall be allowed below ground in any mine if he is over the age of four, and under the age of ten, years.

Prohibition by Inspectors of Mines of employment of women and children in mines.

10. Subject to the control of the Local Government or of such authority as the Local Government may appoint in this behalf, any Inspector of Mines may, by order in writing and for reasons to be stated therein, prohibit the employment of women or children, or of both, in any mine or part thereof, or on any particular kind of labour above ground or below ground, when such employment is, in his opinion, dangerous for, or unsuited to, women or children, as the case may be.

Rules as to employment in mines.

[Cf. ibid, ss. 5-8, 11-15.]

11. (1) Subject to the provisions of section 9, the Governor General in Council may, for the whole or any part of British India, and each Local Government, with the previous sanction of the Governor General in Council, may, for the whole or any part of the Province, by notification in the Gazette of India or the local official Gazette, as the case may be, make, in respect of all mines or of particular classes of mines, rules—

(a) prohibiting, restricting or regulating the employment of women or children below ground or on particular kinds of labour;

(b) limiting the number of hours in any one week or in any one day for which women or children may be employed, or allowed to be, for the purpose of employment, below ground;

(c) requiring the owners or agents to maintain, in such form as the Governor General in Council or the Local Government, as the case may be, it may think fit, registers of the women and children (if any) employed and of their respective employments; [Cf. XV of 1881, s. 9.]

(d) prescribing the method of determining the wages of the persons employed, where such wages depend on the quantity of work done, and regulating the size or capacity of the measures by which such quantities are to be ascertained; and

(e) fixing the time and place for the payment of wages earned and regulating

the conditions under which deductions may be made therefrom.

(2) All rules made under this section shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted in this Act.

[Cf. ibid, ss. 5, 6.] Medical certificates and proof of age.

12. (1) The Civil Surgeon, or such other person practising medicine or surgery as the Local Government may appoint in this behalf for any local area, shall, at the request of any person employed or desirous of being employed in a mine situate in such local area, or of the parent or guardian of such person, and on payment by such person of the prescribed fee (if any), examine such person and grant him a certificate in writing stating whether his age, as nearly as can be ascertained from such examination, is above or below four, ten or fourteen years, as the case may be.

(2) A certificate granted under sub-section (1) shall, for the purposes of this Act, be admissible as evidence of the age of the person referred to therein.

(3) Where an act would, if a person were under four, ten or fourteen years of age, as the case may be, be an offence against this Act, and such person is, in the opinion of the Court, apparently under that age, it shall lie on the accused to prove that the person is not under that age.

Mining Operations and Duties and Responsibilities of Owners, Agents and Managers.

Appointment of manager.

13. For every mine the owner or agent shall appoint a manager, who shall have the prescribed qualifications.

[Cf. 50 & 51 Vict., c. 58, s. 59; XV of 1881, s. 17.] Duties and responsibility of owners, agents and managers.

14 (1) The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act.

(2) In the event of any contravention of, or failure to comply with, any of the provisions of this Act on the part of any person whomsoever, the owner, agent and manager shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing the said provisions, to prevent such contravention or non-compliance, and that such contravention or non-compliance occurred without his knowledge or consent.

[Cf. 50 & 51 Vict., c. 58, s. 42.] Notice by Inspector of Mines of causes of danger not expressly provided against.

15. (1) If, in any respect which is not provided against by any express provision of this Act, any Inspector of Mines finds that any mine or any part thereof, or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine, and shall state in the notice the particulars in which he considers the mine or part thereof, or the matter, thing or practice, to be dangerous or defective, and require the same to be remedied within a specified time, and shall also report the same to such officer or authority as the Governor General in Council or the Local Government may, by general or special order, appoint in this behalf:

Provided that, if the owner, agent or manager of the mine objects to remedy the matter complained of in the notice, he may, within twenty days after the receipt of the notice, send his objection in writing, stating the grounds thereof, to such officer or authority as aforesaid, and that thereupon the said officer or authority shall, by order in writing, refer the matter to a Committee constituted as hereinafter provided.

(2) Nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure, 1898. V of 1898.

Constitution of Committee of reference. [Cf. ibid.]

16. (1) Every Committee to which a reference is made under section 15, shall consist of—

(a) one or more persons nominated by the officer or authority appointed under section 15, sub-section (1), and a like number of persons nominated by the owner, agent or manager of the mine concerned; and

(b) a president nominated by such officer or authority as aforesaid.

(2) If the owner, agent or manager fails, wholly or in part, to exercise his right of nomination under sub-section (1), clause (a), such officer or authority as aforesaid shall nominate the number of persons necessary to constitute the Committee.

(3) The Committee constituted as aforesaid shall, as soon as may be, hold an inquiry into the matter to which the order of reference relates, and shall hear and record such information on the subject as the owner, agent or manager or the Inspector of Mines may desire to place before it.

(4) The said Committee shall have all the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents; and every person required by the Committee to furnish any information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code. [Cf. I of 1894, ss. 9 14, (2).] XLV of 1860.

(5) The Committee holding an inquiry under this section shall make a report to the Local Government through such officer or authority as aforesaid, and the Local Government shall thereupon pass such orders in the matter as it may think fit.

Notice of commencement of work in a new mine. [Cf. XV of 1881, s. 14.]

17. The owner, agent or manager of a mine shall, within one month after the commencement of mining operations, give notice in writing to the Inspector of Mines appointed under section 4, sub-section (2), for the local area in which the mine is situate, of the address to which he desires his letters to be directed, the nature of the mining operations to be conducted, the name of the person under whom they are to be conducted, and the kind and amount of the moving power to be used.

Notice to be given of accidents. [Cf. ibid, s. 13.]

18. When any accident occurs in a mine causing loss of life or bodily injury whereby the person injured is prevented from returning to his work in the mine during forty-eight hours

next after the occurrence, the owner, agent or manager of the mine shall give such notice of the accident to such authorities in such form and within such time as may be prescribed.

[50 & 51 Vict., c. 58, ...]

19. (1) When in any mine an accident has caused loss of life or bodily injury to any person, the Governor General in Council or the Local Government may direct that a formal inquiry into the causes of, and circumstances attending, the accident be held, and may appoint a competent person to hold the inquiry, and may also appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.

Power for the Government to order formal inquiry into accidents.

(2) The person or persons so appointed shall have all the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents; and every person required by such person or persons as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code. XLV of 1860.

(3) The person or persons holding an inquiry under this section shall make a report to the Local Government, stating the causes of the accident and its circumstances, and adding any observations which he or they may think fit to make.

[Cf. ibid, s. ...]

20. The Local Government may cause any report submitted under section 16 or section 19 to be published at such time and in such manner as it may think fit.

Publication of reports.

Rules.

21. (1) The Governor General in Council may for the whole or any part of British India, and each Local Government, with the previous sanction of the Governor General in Council, may for the whole or any part of the Province, by notification in the Gazette of India or the local official Gazette, as the case may be, make rules for carrying out the purposes and objects of this Act in respect of all mines or any classes of mines.

Power for Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) regulate the duties and powers of Inspectors of Mines in respect of the inspection of mines under this Act;

(*b*) prescribe the duties of owners, agents and managers of mines and of all persons acting under them;

(*c*) prescribe the qualifications of managers and of all persons acting under them;

(*d*) regulate the manner of ascertaining, by examination or otherwise, the qualifications of managers and persons acting under them, and the granting and renewal of certificates of competency;

(*e*) provide for the making of inquiries into charges of misconduct or incompetency on the part of managers and persons acting under them, and for the suspension and cancellation of certificates of competency;

(*f*) fix the fees (if any) to be paid in respect of such examinations and the grant and renewal of certificates as aforesaid;

(*g*) prescribe the matters in respect of which notices, returns and reports shall be furnished by owners, agents and managers, the forms of such notices, returns and reports and the particulars to be contained in them;

(*h*) prescribe the plans (if any) to be kept by owners, agents and managers and the manner and places in which they are to be kept for purposes of record;

(*i*) regulate, subject to the provisions of the Indian Explosives Act, 1884, and the rules thereunder, the storage and use of explosives; IV of 1884.

(*j*) regulate the procedure to be observed in inquiries held under this Act;

(*k*) provide for the safety of the persons employed in mines, their means of entrance thereinto and exit therefrom, the number of shafts or outlets to be furnished, the fencing of outlets and passages, and the care of all machinery (including steam-boilers);

(*l*) provide for the water-supply, sanitation and conservancy of mines;

(*m*) provide for the safety of the roads and working-places in mines;

(*n*) provide for the ventilation of mines and the action to be taken in respect of noxious gases;

(*o*) require and regulate the use of safety lamps in mines;

(*p*) provide against the accumulation of water in mines;

(*q*) regulate the procedure on the occurrence of accidents in mines and the supply of medical appliances and comforts for the benefit of persons injured therein; and

(*r*) provide for the safety of the public and the protection of public property and works from injury in respect of any mine, whether the mine is being worked or not.

(3) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the Gazette of India or in the local official Gazette, as the case may be, and, on such publication, shall have effect as if enacted in this Act.

22. (1) The owner, agent or manager of a mine may, and, if at any time required by an Inspector of Mines, shall, frame and transmit to such Inspector of Mines as aforesaid a draft of such special rules, not being inconsistent with this Act or any rules for the time being in force under section 11 or section 21, for the control and guidance of the persons acting in the management of, or employed in or about, the mine as he may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in or about the mine. [Cf. 50 & 51 Vict., c. 58, ss. 52-56.]

Power for owners, etc., to make special rules.

(2) Such draft, together with a notice intimating that any objection or suggestion in respect thereof may be submitted in writing by any person employed in the mine to the said Inspector of Mines for consideration, shall, during not less than thirty days before it is transmitted to the said Inspector of Mines, be posted up in legible characters in some conspicuous place in the mine for the information of the persons employed therein, and a certificate to the effect that this has been done shall be transmitted to the said Inspector of Mines, together with two copies of the draft signed by the owner, agent or manager transmitting the same.

(3) Where the owner, agent or manager and the said Inspector of Mines are unable to agree as to the special rules proposed, the said Inspector of Mines shall refer the draft for settlement to such officer or authority as the Local Government may, by general or special order, appoint in this behalf.

(4) Where the special rules proposed have been agreed to by the owner, agent or manager and the said Inspector of Mines and the draft of the rules so agreed to has been signed by them, or, in a case of disagreement, such officer or authority as aforesaid has settled the rules, the Inspector shall forward them to the Local Government for approval, together with a copy of any objections or suggestions in respect thereof received by him.

(5) The special rules, when approved by the Local Government, with such modifications (if any) as it may think fit, shall be published in like manner as is provided in sub-section (2) respecting the publication of the draft, and, on such publication, shall have effect as if enacted in this Act :

Provided that the Local Government may at any time, by order in writing, which shall be published in like manner as aforesaid, rescind, in whole or in part, any rules so made, and that thereupon such rules shall cease to have effect accordingly.

Penalties.

Penalties for offences.

23. (1) Whoever—

(a) obstructs an Inspector of Mines in the discharge of his duties under this Act, or refuses or neglects to furnish him with the means necessary for making any entry, inspection, examination or inquiry thereunder in relation to any mine ; or

(b) counterfeits, or knowingly makes a false statement in any certificate or in any official copy of a certificate granted under this Act ; or

(c) knowingly uses as true any such counterfeit or false certificate ; or

(d) makes or produces or uses any false declaration, statement or evidence for the purpose of obtaining, for himself or for any other person, a certificate or the renewal of a certificate, or any employment under this Act ; or

(e) contravenes any provision of this Act for the breach of which no penalty is otherwise provided, where the act done has resulted in loss of life or serious bodily injury to any person ;

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever—

(a) alters or falsifies any plan or register or record required to be maintained by this Act ; or,

(b) being the owner, agent or manager of a mine, omits to give notice of an accident in the mine or to furnish any prescribed returns ; or

(c) makes or delivers any such report or return containing a statement which is not, to the best of his knowledge or belief, true ;

shall be punishable with fine which may extend to five hundred rupees.

(3) Whoever—

(a) employs or allows to be employed in or about a mine, or allows to enter a mine or part of a mine, any person in contravention of this Act ; or

(b) allows any child or woman to perform any work forbidden by, or to work in contravention of, this Act ; or

(c) fails to comply with any requisition or order made under this Act ; or,

(d) being the owner, agent or manager of a mine, fails to maintain correctly, or to produce, any prescribed plan ; or,

(e) being the owner, agent or manager of a mine, fails to propose a draft of rules therefor in accordance with the requisition of an Inspector of Mines ; or

(f) contravenes any provision of this Act or rule thereunder, for the breach of which no penalty is otherwise provided ;

shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing breach under clause (c) or clause (e) of this sub-section, with a further fine which may extend to fifty rupees for every day during which the breach is proved to have been persisted in after the date of the receipt by him of the order or requisition referred to in such clause.

Miscellaneous.

Limitation of prosecutions.

24. No Court shall take cognizance of any offence against this Act unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Cognizance of offences.

25. No Court inferior to that of a Magistrate of the first class or Sub-divisional Magistrate shall try any offence against this Act.

Reference to Committee in lieu of prosecution in certain cases.

26. If the Court trying any case instituted on the complaint of an Inspector of Mines under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to a Committee, it may stay all further criminal proceedings, discharge the accused, and report the matter to the officer or authority appointed by the Local Government under section 15, sub-

section (*1*), and such officer or authority may thereupon refer it to a Committee to be dealt with in the manner provided by the said section and section 16.

50 & 51 .., c. 58, .]

27. If any question arises as to whether any mine is a mine within the meaning of this Act, the Local Government may decide the question, and a certificate, signed by a Secretary to the Local Government, shall be conclusive on the point.

Decision of question whether a mine is under this Act.

28. The Governor General in Council may, by notification in the Gazette of India, exempt from the operation of the whole or any part of this Act any local area, or any mine or class of mines, or any person or class of persons.

Power to exempt from operation of Act.

29. This Act shall apply to mines belonging to the Crown. [*Cf.* XV of 1881, s. 19]

Application of Act to Crown mines.

STATEMENT OF OBJECTS AND REASONS.

THE object of this measure is for the regulation of work in, and the inspection of, mines in India. The Government has at present no legal power to inspect mines, to require notice to be given of the occurrence of mining accidents, to enforce proper precautions in the working of mines for the better avoidance of accidents and the protection of the miners, or to regulate the employment of women and children on underground work or in respect of work which is dangerous or unsuited to their age or sex.

2. In England these objects are secured by two elaborate Statutes, entitled respectively the Metalliferous Mines Regulation Act, 1872, and the Coal Mines Regulation Act, 1887, and similar legislation exists in other countries in which there is mining on a considerable scale. The need for an Act here has been recognized for some time past by Her Majesty's Government at home and by the Government of India, and the present Bill is founded on the Report of a Committee which was convened in Calcutta by the Government in 1895, and which, after visiting various mines in Bengal and taking evidence from mine-owners, managers and others, prepared the draft of a Bill and of detailed rules to be made under its provisions. The Committee's Report and their draft have been considered by the several Local Governments and by Companies and persons interested in the mining industry, and in framing the present Bill due advertence has been had to the suggestions and criticisms received from these sources.

3. It is proposed that the Bill shall extend to the whole of British India and to all classes of mines. It is recognised that different classes of mines require different regulations, and that precautions and appliances may be necessary in mines of one class which may be dispensed with in others; and it is considered that this difference of treatment can be most conveniently secured by statutory rules. Power is accordingly taken in clause 21 of the Bill to make rules on all matters concerning the regulation of mines, and such rules may be made applicable either to all mines or to any classes of mines, and to the whole, or to any part, of British India. Following the principle of the English Statutes, power is further taken in clause 22 to allow special rules to be made for any particular mine in order to provide for matters which are not dealt with by the general rules. And in clause 28 power is taken to exempt from the operation of the proposed Act any local area, or any mine or class of mines, or any person or class of persons. It is considered that these provisions will enable the Government to adjust the enactment in its practical working to the very varying circumstances of the mining industry in different parts of the country and to the different kinds of mines to which it will apply.

4. Clauses 4 to 7 of the Bill deal with the appointment of Inspectors of Mines and with their powers of entry and inspection. There is already an Inspector of Mines for the whole of British India, appointed by the Government of India, although he is at present without statutory powers of any description. The Bill makes the continuance of this office obligatory, and also provides for the appointment, as may be necessary, of Provincial Inspectors and for regulating their subordination to the Imperial Inspector. Power is also taken to invest the District Magistrate with all or any of the powers of an Inspector. The powers given to Inspectors by section 6 follow in the main the provisions of the English law.

5. Clauses 9 to 12 deal with the employment in, and admission of children to, mines, and enable rules to be made for prohibiting, restricting or regulating the employment of women and children below ground, or on particular classes of labour; for limiting the number of hours in any week or in any one day during which women and children may be employed; for prescribing the method of determining the wages of miners, where such wages depend on the quantity of work done; and the like. The regulations adopted in the final protocol of the Berlin International Labour Conference of 1890, which was attended by delegates of the Governments of Europe on the invitation of the Imperial German Government, contained the following, among other, propositions :—(1) that children below the age of fourteen years in northern countries, or below that of twelve in southern countries, should not be admitted to underground work in mines; (2) that women should not be allowed to work underground; (3) that children below fourteen years should not work more than six hours a day and should be excluded from unhealthy or dangerous occupations, or should be admitted to them only under protective conditions; and (4) that the working-hours of women should be limited by law and further restricted in respect of particularly unhealthy or dangerous occupations. With reference to these recommendations, which carry the weight of an International Conference, to the law on the subject in England, and to the

special labour conditions existing in India, it is proposed in the Bill to prohibit the employment below ground of children under the age of ten years, and the admission below ground of children between the ages of four and ten. The object of the latter provision is to allow very small children to remain during the hours of work with their parents or relatives, if the latter work underground. With regard to women and to children between the ages of ten and fourteen years, it is not proposed to go farther than to take power by rule to prohibit, restrict or regulate their employment underground if in any class of mine this is found to be expedient. There is evidence that the moral objections felt in other countries to the employment of women underground are not applicable to the conditions existing in India, where the woman works in the company of her husband on the family gang system; and it has been strongly urged that the exclusion of women absolutely from underground work would be felt by them and their husbands as a hardship, and that, where the mine is safe, the workings are at no great depth and there is no heavy machinery running, the objections on the score of health and safety to their employment are small. On the other hand, there are mines, or parts of mines, or kinds of underground work, from which women ought to be excluded, and it is proposed to deal with such cases by rule. With regard to the regulation of the employment of children between the ages of ten and fourteen years of age, attention is called to the definition of "child" in clause 3 of the Bill.

6. Clauses 13 to 20 deal with the responsibilities and duties of owners, agents and managers, with enquiries into accidents, and with the appointment of committees of reference in cases where notice of causes of danger, not expressly provided against by the proposed Act or by rules made under it, are given by an Inspector to the owner or agent with the object of requiring preventive measures to be taken. The provisions of the English Statutes on these matters have been adapted to Indian requirements. Clause 26, it may be observed, provides a procedure whereby a Criminal Court, if it finds a question of mining practice in dispute, may stay all criminal proceedings and move the Local Government to refer the matter to a committee of reference.

7. Power has been taken in sub-clauses (*c*), (*d*) and (*e*) of sub-section (2) of clause 21 to make rules for prescribing the qualifications of managers and persons acting under them, for ascertaining their qualifications by examination or otherwise, and for granting and withdrawing certificates. It is considered that this difficult matter of requiring mines to be managed by "certificated" managers can best be dealt with by rules.

8. In sub-clause (*r*) of the same sub-section power has been taken to provide for the safety of the public and the protection of public property and works from injury in respect of any mine. It is considered that the Government ought, for example, to have power to require the open workings of abandoned mines to which the public have access, to be properly fenced in, and to insist on notice being given whenever underground workings approach within a prescribed distance of a railway or other public work, and thereupon to take the necessary steps to ensure safety. The question of giving protection to railways against risk from undermining has been repeatedly brought to the notice of the Government of India. Throughout the greater part of British India subjacent minerals are the property of the State, and, where this is the case, power to regulate their being worked by lessees so as not to injure railways or other public works already practically exists. But in places where minerals are not the property of the State unless they have been specially acquired, the existing law is imperfect as to the power of the State or of the railway administration concerned to obtain notice of approaching workings, or to make inspections for the purpose of ascertaining whether the line is being undermined. The Land Acquisition (Mines) Act, 1885 (XVIII of 1885), provides some protection in the case of land acquired under its provisions for public purposes after 1885 when such land is about to be, or is actually being, undermined; but its provisions in respect of notice and inspection are held not to apply to land acquired before 1885, or to the case in which the safety of a railway is threatened by underground workings which, without being prosecuted actually under railway land, are brought dangerously close to its border. A railway has a legal right in such cases to "lateral support," and a cause of action arises when such right is assailed. But this is not sufficient to ensure the safety of a railway or of the public travelling by it.

The 13th March, 1899. C. M. RIVAZ.

H. W. C. CARNDUFF,
Offg. Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 29, 1899.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd June, 1899:

NO. 4 OF 1899.

A Bill further to amend the Whipping Act, 1864.

VI of 1864. WHEREAS it is expedient further to amend the Whipping Act, 1864; It is hereby enacted as follows:

Short title, extent and commencement.

1. (*1*) This Act may be called the Whipping Act, 1899.

(*2*) It extends to the whole of British India, inclusive of British Baluchistan and the Santal Parganas; and

(*3*) It shall come into force at once.

Addition to section 2, Act VI, 1864.

VI of 1864. III of 1895. 2. To section 2 of the Whipping Act, 1864, as amended by section 5 of the Indian Criminal Law Amendment Act, 1895, the following shall be added, namely:

'*Group E.*

'(*11*) rioting armed with a deadly weapon, as defined in section 148 of the said Code.'

Substitution of new section for section 5, Act VI, 1864.

3. For section 5 of the Whipping Act, 1864, as amended by section 6 of the Indian Criminal Law Amendment Act, 1895, the following shall be substituted, namely: VI of 1864. III of 1895.

Juvenile offenders when punishable with whipping.

'5. Any juvenile offender who commits or attempts to commit—

(*a*) any offence which is punishable under the Indian Penal Code otherwise than with death, or XLV of 1860.

(*b*) any offence which is punishable under any special or local law with imprisonment,

may be punished with whipping in lieu of any other punishment to which he may for such offence or attempt be liable:

Provided that the Governor General in Council may, by order in writing, direct that the punishment of whipping shall not be inflicted in respect of such offences falling under clause (*b*) as he may think fit to specify in this behalf.

Explanation.—In this section the expression "juvenile offender" means an offender who is, in the opinion of the Court (which shall be final and conclusive on the point), under sixteen years of age.'

Repeal.

4. The words 'under the provisions of the Indian Penal Code' in the preamble to the Whipping Act, 1864, and section 6 of the Indian Criminal Law Amendment Act, 1895, are hereby repealed. VI of 1864. III of 1895.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to extend the punishment of whipping in two directions.

2. Clause 2 proposes to make an addition to section 2 of the Whipping Act, 1864 (VI of 1864), which will have the effect of rendering the offence of rioting armed with a deadly weapon punishable with whipping in lieu of any other punishment already provided therefor by section 148 of the Indian Penal Code. The offence is one for which the infliction of corporal punishment seems to be very suitable.

3. Under section 5 of the Act of 1864, as it now stands, a juvenile offender cannot, the Government of India are advised, be whipped except on conviction for an offence under the Indian Penal Code; nor can he be so punished for an attempt to commit an offence. There are undoubtedly many offences against special or local laws which are punishable with imprisonment and for which a youthful offender might, with advantage, be whipped rather than sent to jail; and it is thought that, if the attempt to commit an offence punishable with whipping is not similarly punishable, it ought to be made so. Clause 3 is, therefore, intended to amend the law on the subject by substituting a revised section for section 5 of the present Act.

4. The repeals proposed by clause 4 of the Bill are purely consequential.

The 28th April, 1899. C. M. RIVAZ.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd June, 1899:

NO. 6 OF 1899.

A Bill further to amend the Northern India Canal and Drainage Act, 1873.

VIII of 1873. WHEREAS it is expedient further to amend the Northern India Canal and Drainage Act, 1873; It is hereby enacted as follows:

Short title and commencement.

1. (*1*) This Act may be called the Northern India Canal and Drainage (Amendment) Act, 1899; and

(*2*) It shall come into force at once.

Addition to section 36, Act VIII, 1873.

2. To section 36 of the Northern India Canal and Drainage Act, 1873, the following paragraph shall be added, namely: VIII of 1873.

"The rules hereinbefore referred to may prescribe and determine what persons or classes of persons are to be deemed to be occupiers for the purposes of this section, and may also determine the several liabilities, in respect of the payment of the occupier's rate, of tenants and of persons to whom tenants may have sublet their lands, or of proprietors and of persons to whom proprietors may have let the lands held by them in cultivating occupancy."

Amendment of section 47, Act VIII, 1873.

3. In section 47 of the said Northern India Canal and Drainage Act, 1873, for the words "or tenants" the words "tenants or sub-tenants" shall be substituted. VIII of 1873.

STATEMENT OF OBJECTS AND REASONS.

A QUESTION has arisen as to whether any one but the tenant whose name is entered in the rent-roll as responsible to the landlord for the rent of the land concerned, is liable, under section 36 of the Northern India Canal and Drainage Act, 1873 (VIII of 1873), for the "occupier's rate" leviable in respect thereof, and the Law Officers, who have been consulted on the point, have offered divergent opinions. It appears expedient, therefore, to remove all doubt on the subject, and, in view of the difference in practice reported from the North-Western Provinces and the Punjab, respectively, it has been thought best to provide expressly—see clause 2 of the Bill—for the amendment of the section so as to leave the liability to be settled by rule.

2. Again, under section 47 of the Act, the lambardar or person under an engagement to pay the land-revenue of an estate is empowered to collect water-rates and dues generally in the same manner as rent or land-revenue from the "subordinate zamindars, raiyats or tenants." The Government of India are advised that this provision gives no authority to collect from sub-tenants, and that any rule to the contrary purporting to be made in exercise of the power conferred by section 75 would be inconsistent with the Act and, therefore, *ultra vires*. The Government of India are of opinion that collection from sub-tenants should be permitted, and a simple amendment of section 47 of the Act is, therefore, proposed by clause 3 of the Bill.

The 27th April, 1899. C. M. RIVAZ.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd June, 1899:

NO. 7 OF 1899.

A Bill to authorize certain Companies registered under the Indian Companies Act, 1882, to keep branch registers of their members in the United Kingdom.

VI of 1882. WHEREAS it is expedient to authorize certain Companies registered under the Indian Companies Act, 1882, to keep branch registers of their members in the United Kingdom; It is hereby enacted as follows:

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Companies (Branch Registers) Act, 1899.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

[46 & 47 Vict., c. 30, s. 2.]

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

VI of 1882.

(*a*) the expression "Company" means a Company registered under the Indian Companies Act, 1882, which complies with the following conditions:

(*i*) that its capital is divided into shares;

(*ii*) that its paid-up capital in money is not less than twenty lakhs of rupees; and

(*iii*) that it has *bonâ fide* carried on business for not less than three years: and

(*b*) the expression "shares" includes stock.

Power to keep branch registers in the United Kingdom.

3. (*1*) Any Company may, if authorized so to do by its regulations as originally framed or as altered by special resolution, cause to be kept in the United Kingdom a branch register or registers of members [resident in the United Kingdom]. [Cf. 46 & 47 Vict., c. 30, s. 3.]

(*2*) The Company shall give to the Registrar of Joint-Stock Companies notice of the situation of the office where any such branch register (hereinafter called a "British register") is kept, and any change therein, and of the discontinuance of any such office in the event of the same being discontinued.

(*3*) A British register shall, as regards the particulars entered therein, be deemed to be a part of the Company's register of members kept under the Indian Companies Act, 1882, VI of 1882.
and shall be *primâ facie* evidence of all particulars entered therein. Every such branch register shall be kept in the manner provided by section 47 of the said Act, with this qualification, that, if such register is ordered to be rectified by any competent Court in the United Kingdom, such rectification shall be made and shall be binding on the Company in India.

(*4*) The Company shall transmit to its registered office in India a copy of every entry in its British register or registers as soon as may be after such entry is made, and shall cause to be kept at such office, duly entered up from time to time, a duplicate or duplicates of its British register or registers. The provisions of section 55 of the Indian Companies Act, 1882, VI of 1882.
shall apply to every such duplicate, and every such duplicate shall, for the purposes of the said Act, be deemed to be part of the register of members of the Company.

(*5*) Subject to the provisions of this Act with respect to the duplicate register, the shares registered in a British register shall be distinguished from the shares registered in the Indian register, and no transaction with respect to any shares registered in a British register shall,

during the continuance of the registration of such shares in such British register, be registered in any other register.

(6) The Company may discontinue any British register, and thereupon all entries in that register shall be transferred to some other British register kept by the Company in the United Kingdom or to the register of members kept at the registered office of the Company in India.

Power to make rules and prescribe forms.

4. The Governor General in Council may, by notification in the Gazette of India, make rules and prescribe forms for the purpose of carrying into effect the provisions of this Act.

Construction with Act VI, 1882.

5. This Act shall, so far as is consistent with the tenor thereof, be construed as one with the Indian Companies Act, 1882. VI of 1882.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to encourage, if possible, the investment of English capital in rupee-companies having an Indian domicile. When in 1897 the attention of the Government of India was drawn to the matter, it was represented that it would be a great convenience to investors in companies formed with rupee capital in this country if they were permitted by law to open registers of shares in Great Britain as well as in India, and also that investors in England would more readily subscribe to rupee capital for the construction of, for example, Indian railways, if quotations could be had on the London Stock Exchange.

2. The Bill has been drawn on the model of the Companies (Colonial Registers) Act, 1883 (46 & 47 Vict., c. 30), which authorizes any company registered in the United Kingdom for purposes comprising the transaction of business in a colony to open and maintain a branch register of share-holders in that colony. Owing to the limited powers of the Indian legislature, the legislation here proposed falls far short of what is compassed by the English Statute. But the Government of India have consulted the various Chambers of Commerce, with the result that the opinion of the mercantile community in India appears to be in favour of the measure, and its introduction has, therefore, been decided upon. The Bill, if it is passed into law, will not relieve the holders of shares registered in branch registers opened in England from the burdens imposed by the English revenue laws; and, while the Government of India will be prepared to notify such exemption from liability to Indian stamp-duties as may be necessary, the measure will not secure for share-holders the same benefits as they would have if the scheme had the sanction of an Act of Parliament. The enactment will, however, be of a purely permissive character, and it will be for the investing public to avail themselves of its provisions if they find that it will afford them any advantage to do so.

The 17th June, 1899.

C. E. DAWKINS.

J. M. MACPHERSON,
Secretary to the Government of India.

Please put up the gazette containing
of Land Alienation Act
the bill as it was originally introduced

in Council in 1900.

~~Liton~~

[illegible]
28.1.35

Please see pages 57-60
of part V of the gazette
placed below

Akbar
31/1/35

~~cc~~ Returned

Liton.

[illegible]
1.4.35

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd June, 1899:

NO. 8 OF 1899.

A Bill further to amend the Indian Registration Act, 1877.

III of 1877. WHEREAS it is expedient further to amend the Indian Registration Act, 1877; It is hereby enacted as follows:

Short title and commencement.

1. (*1*) This Act may be called the Indian Registration Amendment Act, 1899; and

(*2*) It shall come into force at once.

Repeal of section 22, Act III, 1877, and substitution of new section.

2. Section 22 of the Indian Registration Act, 1877, is hereby repealed, and the following section is substituted therefor, namely: III of 1877.

Description of houses and land by reference to Government maps or surveys.

"22. (*1*) Where it is, in the opinion of the Local Government, practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the Local Government may, by rule, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

"(*2*) Save as otherwise provided by any rule made under sub-section (*1*), failure to comply with the provisions of section 21, clause (*b*), shall not disentitle a document to be registered if the description of the property, to which it relates, is sufficient to identify that property."

STATEMENT OF OBJECTS AND REASONS.

UNDER section 21, clause (*b*), of the Indian Registration Act, 1877 (III of 1877), houses outside towns and lands must, for the purposes of registration, be, whenever it is practicable, described in documents by reference to a Government map or survey; but section 22 provides that failure to comply with this requirement shall not disentitle a document to be registered if the actual description given is sufficient to identify the property.

2. It seems to the Government of India that the parties concerned may without objection be required to make use of an easy and certain method of identification where it exists, and that a change in the law obliging them to do so will not only tend to secure the best means of identification, but will be a step towards the substitution of a single for a double system of registration.

3. The object of this Bill is to amend section 22 of the Act of 1877 so as to give effect to this view.

The 20th May, 1899.

C. M. RIVAZ.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations [illegible]:—

No. 6 of 1899.

[illegible]

Whereas it is expedient further to amend the Indian Registration Act, 1877; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Registration Amendment Act, [illegible]

(2) It shall come into force at once.

2. Section 21 of the Indian Registration Act, 1877, is hereby repealed, and the following section shall be substituted therefor, namely:—

[illegible]

"21. (1) [illegible]

[illegible] and lands by reference to a Government map or survey, the Local Government may by rule require that such houses and lands as aforesaid shall, for the purposes [illegible] described.

(4) Save as otherwise provided by any rule made under sub-section (3), failure to comply with the provisions of section 21, clause (2), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property."

STATEMENT OF OBJECTS AND REASONS.

[illegible] clause (2), of the Indian Registration Act, 1877 (III of 1877), [illegible] for the purpose of registration, [illegible] by reference to a Government map or survey [illegible] requirement shall not disentitle [illegible] the actual description given is sufficient to identify the property.

2. It seems to the Government of India that [illegible] without [illegible] and that a change in the law [illegible] the best means of identification [illegible] of a single system of registration.

3. The object of this Bill is to amend section 21 of the Act of 1877 so as to give effect to this view.

[illegible] May, 1899.

C. M. RIVAZ.

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd June, 1899:

NO. 9 OF 1899.

A Bill to amend the Land Improvement Loans Act, 1883.

XIX of 1883. WHEREAS it is expedient to amend the Land Improvement Loans Act, 1883; It is hereby enacted as follows:

Short title and commencement.

1. (*1*) This Act may be called the Land Improvement Loans Amendment Act, 1899; and

(*2*) It shall come into force at once.

Amendment, with retrospective effect, of section 6, Act XIX, 1883.

2. In section 6, sub-section (*1*), of the Land Improvement Loans Act, 1883, for the words "from the date of the actual advance of the last instalment", the words "from the date of the advance of the last instalment actually paid" shall be substituted and shall be deemed to have been substituted with effect from the commencement of the said Act. XIX of 1883.

STATEMENT OF OBJECTS AND REASONS.

SECTION 6 of the Land Improvement Loans Act, 1883 (XIX of 1883), provides that a loan granted thereunder shall be repayable within such period from the date of the actual advance of the loan, or, when the loan is advanced in instalments, from the date of the actual advance of the last instalment, as may, from time to time, be fixed by rule. The law officers in Bengal have advised that the effect of this section is to make no part of a loan, where the agreement is to advance it by instalments, repayable till after the last instalment has been advanced, the consequence being that, in the event of such last instalment not being accepted, the right of the Government to recover the amount of the earlier instalments actually advanced does not accrue. The object of this Bill is to remove this defect in the language of the section with retrospective effect from the commencement of the Act.

The 17th June, 1899. C. M. RIVAZ.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JULY 20, 1899.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th July, 1899:

NO. 10 OF 1899.

A Bill to provide for the Incorporation of Kirk Sessions of the Church of Scotland in British India.

WHEREAS there are in British India Kirk Sessions of the Church of Scotland which have been duly constituted to be Church Courts for ecclesiastical purposes in pursuance of Acts of the General Assembly of the Church of Scotland;

And whereas it is expedient that such Kirk Sessions and any others which may hereafter be so constituted, should be incorporated with the powers hereinafter provided; It is hereby enacted as follows:

Short title, extent and commencement.

1. (*1*) This Act may be called the Church of Scotland Kirk Sessions Act, 1899.

(*2*) It extends to the whole of British India and

(*3*) It shall come into force at once.

Scotch Kirk Sessions to be bodies corporate.

2. Every Kirk Session which has been, or may hereafter be, duly constituted to be a Church Court for ecclesiastical purposes in pursuance of an Act of the General Assembly of the Church of Scotland, is hereby declared to be, and the same shall be, a body corporate having perpetual succession and a common seal

Power to hold and dispose of property.

3. (*1*) Every Kirk Session constituted as aforesaid shall, as a body corporate, have power to acquire and hold any property which has been, or may hereafter be, vested in it for the purposes of the Congregation for which it has been, or may hereafter be, constituted, or of any trust which may have been or may hereafter be accepted by it, to transfer the same, to contract and to do all other things necessary for, or incidental to, the purposes of its constitution or of any such trust as aforesaid.

(*2*) The signature of the Moderator and Treasurer for the time being of a Kirk Session constituted as aforesaid shall, if affixed on behalf and by order of the Kirk Session, be sufficient for all purposes for which the signature of the Kirk Session is required.

STATEMENT OF OBJECTS AND REASONS.

IN 1897 the Government of India were approached, through the Government of Bombay, by the members of the local Kirk Session with a memorial praying (1) that every duly constituted Kirk Session of the Church of Scotland in India should be declared (by legislation, if necessary) to be a corporate body with full powers as trustees to deal with

all funds and other property vested in them, and (2) that an Act should be passed constituting the Senior Minister for the time being of the Presidency Church in each of the Presidency-towns a corporation sole for the purposes of the Church of Scotland in India.

2. The Government of India are advised that legislation is required to incorporate Kirk Sessions of the Church of Scotland, and they agree with the various Local Governments concerned and the Presbytery of Edinburgh and the Committee on Indian Churches, which have been consulted in the matter, in thinking that such legislation should be undertaken. There does not, however, seem to be sufficient reason for declaring Senior Chaplains of the Church of Scotland to be corporations sole. The Anglican Bishops in India are such, no doubt, by their Letters Patent; but the position of the Senior Chaplains of the Church of Scotland is essentially different, and neither Roman Catholic Bishops nor the dignitaries of other denominations are corporations sole. The present Bill, therefore, is confined to giving effect to the first part only of the memorial above referred to.

The 22nd June, 1899. T. RALEIGH.

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th July, 1899:

NO. 12 OF 1899.

A Bill to provide for the conversion into British Indian currency of sums expressed in British currency in the Army Act.

44 & 45 Vict., c. 58. WHEREAS it is provided by section 169 of the Army Act that the Governor General in Council may declare the amount of the local currency which is to be deemed, for the purposes of the said Act, to be equivalent to any sum of British currency mentioned therein;

And whereas it is expedient, in exercise of the power so conferred, to provide for the conversion into British Indian currency of sums expressed in British currency in the said Act;

It is hereby enacted as follows:

Short title, extent and commencement.

1. (*1*) This Act may be called the Currency Conversion (Army Annual) Act, 1899.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Rate of exchange fixed for calculating the equivalent in British Indian currency of sums of British currency mentioned in the Army Act.

2. For the purposes of the Army Act, fifteen rupees of British Indian currency shall be deemed to be the equivalent of one pound of British currency and any sum of British currency mentioned in the said Act shall be deemed to be the equivalent of a sum of British Indian currency calculated at that rate of exchange. 44 & 45 Vict., c. 58.

Duration of Act.

3. This Act shall continue in force until the thirty-first day of March, 1900.

STATEMENT OF OBJECTS AND REASONS.

In several sections of the Army Act (44 & 45 Vict., c. 58), relating to fines, etc., reference is made to sums stated in British currency, but by section 169 power is taken for the Governor General in Council to declare the amount of the local currency which is to be deemed, for the purposes of the said Act, to be equivalent to any sum of British currency mentioned therein. By G. G. O. No. 198 of 1880, which was expressed as being issued in exercise of the authority given by the corresponding section 162 of the Army Discipline and Regulation Act, 1879 (42 & 43 Vict., c. 33), it was directed that

fines for drunkenness should be levied at the exchange rate of eight pies to the penny, or, in other words, at the exchange rate of two shillings to the rupee. It appears, however, that what is probably contemplated by the Statute is not an order of the Executive Government, but one emanating from the legislature, *i.e.*, an Act of the Governor General in Council, and it has been decided to take action in accordance with this view of the law. Further, it is, in the opinion of the Government of India, reasonable that recoveries under the Statute should be made at the rate at which the sterling pay of the British soldier serving in India is converted into the local currency, and, as the rate is fixed anew for each financial year, it is proposed to deal with the matter regularly hereafter by means of an Annual Act. For the present and up to the 31st March next the rate has been fixed at one shilling and four pence to the rupee, and this Bill has, therefore, been drawn so as to continue in force up to that date and to legalize till then the conversion, for the purposes of the Statute, of sterling sums of money at that rate.

The 11th July, 1899. EDWIN H. H. COLLEN.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th July, 1899:

NO. 13 OF 1899.

A Bill to provide for the protection of certain telegraphic press messages.

WHEREAS it is expedient to provide for the protection of certain telegraphic press messages; It is hereby enacted as follows:

Short title, extent and commencement.

1. (1) This Act may be called the Telegraphic Press Messages Act, 1899.

(2) It extends to the whole of British India; and

(3) It shall come into force on the first day of •, 1899.

Prohibition as regards re-publication of certain telegraphic press messages.

2. Subject to the provisions of section 5, where any person lawfully receives in British India a telegraphic press message despatched to him from any place outside India, and publishes the same, or permits the same to be published, in any newspaper or other printed paper published and circulated in British India, no other person shall, without the consent, express or implied, of such first-mentioned person, or his agent duly authorized in this behalf, publish, or cause to be published, in any newspaper or other printed paper such message, or the substance thereof, or any extract therefrom, until after a period of thirty-six hours from the time of first publication in British India:

Provided that nothing in this section shall be deemed to prohibit the publication of any such message after the expiration of sixty hours (exclusive of public holidays within the meaning of the Negotiable Instruments Act, 1881) from the time of the receipt thereof as aforesaid. XXVI of 1881.

Explanation 1.—The publication of any part of a telegraphic press message or of the substance thereof, or (excepting the publication of any similar message in like manner sent) of the intelligence therein contained, or any comment upon, or any reference to, such intelligence, shall be deemed to be a publication for the purposes of this Act.

Explanation 2.—A telegraphic press message despatched and received as aforesaid, which is transmitted by the person receiving the same to any newspaper published and circulated in British India, is a telegraphic press message within the meaning of this Act, although it is also transmitted to persons who pay or subscribe for the same.

Penalties.

3. (1) Whoever, in contravention of section 2, publishes any matter, or causes any matter to be published, shall be punishable with fine which may extend to one hundred rupees.

(2) Whoever, having been convicted of an offence under this section, is again so convicted, shall be punishable with fine which may extend to five hundred rupees.

Presumptions in prosecutions.

4. In any prosecution under this Act, the production of any document which purports to be a telegraphic message from some place outside India, received either directly or through some other person who has received the same directly, and which has been delivered to some person entitled to receive the same by a telegraph officer, as defined by the Indian Telegraph Act, 1885, shall be *primâ facie* evidence that the message published as hereinbefore prescribed is a telegraphic press message within XIII of 1885.

the meaning of this Act; and proof that any person is the owner, or is, or is acting or appears to be acting as, the editor or manager of a newspaper or other printed paper in which there has been any publication in contravention of the provisions of this Act, shall be *primâ facie* evidence that such person has caused such unlawful publication.

Conditions as to publication of telegraphic press messages.

5. (*1*) The provisions of this Act shall not apply to any telegraphic press message unless the same is printed and published under the heading " By Foreign Telegraph " and states the day and hour of its receipt.

(*2*) Every such statement as aforesaid shall be *primâ facie* evidence of the time of receipt of the telegraphic press message to which it relates.

Construction of references to time.

6. For the purposes of this Act, all references to time shall be construed as referring to " Madras Time ".

Saving as to publication by the Government.

7. Nothing in this Act shall apply to any document published by, or under the authority of, the Government.

STATEMENT OF OBJECTS AND REASONS.

ON several occasions in the course of the last twenty-seven years the Government of India have received representations as to the expediency of securing some measure of protection for foreign telegraphic press messages received in British India. In 1885 it was decided to provide for the matter in a Bill to amend the law of copyright, the introduction of which was at that time contemplated; but it was eventually decided that general legislation should not be initiated in India until the subject of copyright had been dealt with comprehensively for the whole of Her Majesty's dominions by Parliament.

Attention has again been drawn to the particular question of the protection of telegraphic news, and it seems to the Government of India that legislation regarding it is called for and that there is no necessity to postpone it any longer. The great importance to the Indian Public of a first-rate service of telegraphic news cannot be denied; it is undoubted that enterprise in that direction is being checked because the existing law recognizes no right of property in published telegrams and the systematic piracy of expensive foreign press messages has been the result; and the need for legislation has lately been recognized and acted upon by the colonial legislatures of New Zealand, Australia, the Cape of Good Hope, Hong Kong and Ceylon. In these circumstances it has been decided to introduce the present Bill, which has been framed somewhat on the model of the most recent of the colonial enactments alluded to, namely, that passed into law in Ceylon last year and entitled " The Telegram Copyright Ordnance, 1898."

The 5th July, 1899.

C. M. RIVAZ.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th July, 1899:

NO. 14 OF 1899.

[NOTE.—The italics indicate the alterations suggested in the existing Chapter VIII of the Transfer of Property Act, 1882.]

A Bill to amend the Transfer of Property Act, 1882.

IV of 1882. WHEREAS it is expedient to amend the Transfer of Property Act, 1882; It is hereby enacted as follows:

Short title and commencement.

1. (*1*) This Act may be called the Transfer of Property Act, 1899; and

(*2*) It shall come into force at once.

IV of 1882.

Substitution of new Chapter for Chapter VIII, Act IV, 1882.

2. For Chapter VIII of the Transfer of Property Act, 1882, the following Chapter shall be substituted, namely:

"CHAPTER VIII.

"OF TRANSFERS OF ACTIONABLE CLAIMS.

"*General.*

Actionable claim.

"130. (*1*) A claim which the Civil Courts recognize as affording grounds for relief is actionable, whether a suit for its enforcement is or is not actually pending or likely to become necessary [130.]

(*2*) *Every actionable claim may be transferred subject to the restrictions and conditions imposed by Chapter II and by this Chapter.*

Transfer of debts.

"131. No transfer of any debt or any beneficial interest in moveable property shall have any operation against the debtor or against the person in whom the property is vested, *unless the transfer is in writing and unless and until* express notice of the transfer is given to him, *save where* he is a party to *the* transfer; and every dealing by such debtor or person (not being a party to, or not having received express notice of, *the* transfer) with the debt or property shall be valid as against such transfer. [131: *Cf.* 36 & 37 Vict., c. 66, s. 25 (6).]

Exception—Nothing in this section applies to the transfer of a marine or fire policy of insurance or to a mortgage effected by deposit of deeds or securities.

Explanation.—In this section the expression "any debt or any beneficial interest" includes any accruing, conditional or contingent debt or interest.

Illustrations.

(i) A owes money to B, who transfers the debt to C. B then demands the debt from A, who, having no notice of the transfer, pays B. The payment is valid, and C cannot sue A for the debt.

(ii) A effects a policy on his own life with an Insurance Company and assigns it by endorsement to a B nk in payment of a past debt. The Bank gives notice to the Insurance Company. If A dies, the Bank is entitled to receive the amount of the policy and to sue on it without the concurrence of A's executor.

Notice to be in writing signed.

"132. Every such notice shall be in writing, signed by the *transferor or transferee*, or by his agent in this behalf. [132.]

Debtor to give effect to transfer.

"133. On *receipt of* such notice, the *transfer* shall *take* effect, *and all rights and remedies of the transferor shall vest in the transferee.* [133.]

Liability of transferee of actionable claim.

"134. The person to whom *an actionable claim* is transferred, shall take it subject to all the liabilities, *defences and priorities* to which the transferor was subject in respect thereof at the date of the transfer. [137.]

Illustrations.

(i) A debenture is issued in fraud of a public company to A. A sells and transfers the debenture to B, who

has no notice of the fraud. The debenture is invalid in the hands of B.

(*ii*) *A, the holder of a policy of insurance, assigns it to B for value. Before notice of the assignment is received, A has contracted a debt of Rs. 300 with the Insurance Company. The Company can set off this debt against the transferee.*

[134.] "135. Where the transferor of a debt warrants the solvency of the debtor, the warranty, in the absence of a contract to the contrary, applies only to his solvency at the time of the transfer, and is limited, where the transfer is made for consideration, to the amount or value of such consideration.

Warranty of solvency of debtor.

[138.] "136. Where a debt is transferred for the purpose of securing an existing or future debt, the debt so transferred, if recovered by either the transferor or transferee, is applicable, first, in payment of the costs of such recovery: secondly, in or towards satisfaction of the amount for the time being secured by the transfer; and the residue, if any, belongs to the transferor.

Mortgaged debt.

[V of 1866, s. 15.] "137. Every assignee, by endorsement or other *writing*, of a policy of marine insurance or of a policy of insurance against fire, in whom the property in the subject insured shall be absolutely vested at the date of the assignment, shall have transferred and vested in him all rights of suit as if the contract contained in the policy had been made with himself.

Assignment of rights under marine or fire policy of insurance.

[139.] "138. Nothing in *the foregoing sections* of this Chapter applies to *stocks or shares or to* instruments *which are for the time being by law or custom negotiable, or to any mercantile document of title to goods.*

Saving of negotiable instruments, etc.

[Cf. 52 & 53 Vict., c. 45, s. (4); 56 & 57 Vict., c. 1, s. 62.] *Explanation.—The expression "mercantile document of title to goods" includes a bill of lading, dock warrant, warehouse-keeper's certificate and delivery order, and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of the document to transfer or receive goods thereby represented.*

"*Restrictions on sale of actionable claims which are in controversy.*

"139. (*1*) Where an actionable claim *which is in controversy*, is sold, he, against whom it is made, is wholly discharged by paying to the buyer the price and incidental expenses of the sale, with interest on the price from the day that the buyer paid it. [135.]

Discharge of person against whom claim is sold.

(*2*) Nothing in *sub-section* (*1*) applies—

(*a*) where the sale is made to the co-heir to, or the co-proprietor of, the claim sold;

(*b*) where it is made to a creditor in payment of what is due to him;

(*c*) where it is made to the possessor of a property subject to the actionable claim;

(*d*) where the judgment of a competent Court has been delivered affirming the claim, or where the claim has been made clear by evidence and is ready for judgment.

"140. No Judge, *legal practitioner*, clerk, bailiff or other officer connected with Courts of Justice can buy any actionable claim *which is in controversy and could be enforced by suit in* the Court *where* he exercises his functions." [136.]

In capacity of officers connected with Courts of Justice.

3. So much of the Policies of Insurance (Marine and Fire) Assignment Act, 1866, as is unrepealed, and so much of the Indian Short Titles Act, 1897, as relates thereto, are hereby repealed. V of 1866. XIV of 1897.

Repeal.

STATEMENT OF OBJECTS AND REASONS.

Chapter VIII of the Transfer of Property Act, 1882 (IV of 1882), aims at dealing comprehensively with the difficult question of the assignment of choses in action and includes an excursion into the law of champerty and maintenance. The attempt has not been altogether successful. Many difficulties in the construction and practical application of the Chapter have arisen; its provisions have been the subject of numerous and conflicting rulings of the various High Courts; and the necessity for legislation has been made clear. The present Bill has been drawn with the object of removing the defects which have, from time to time, been detected, and its details will be found fully explained in the annexed NOTES ON CLAUSES.

2. It has been suggested that a special provision on the subject of champerty and maintenance should be included in the Bill; but, if such legislation is to be undertaken, it

is thought that it should take the form of an amendment of the Indian Contract Act, 1872 (IX of 1872)—the addition, possibly, of an *Explanation* to section 23, which avoids contracts opposed to public policy.

The 12th July, 1899. T. RALEIGH.

NOTES ON CLAUSES.

Clause 2 of Bill.

Proposed new section 130, Act IV of 1882.—Probably section 130, as it stands in the present Act, may be taken as a fair working definition of the term *chose in action* as used in English law. The obvious intention of the Act was to make all choses in action transferable as property, that is to say, transferable subject to the conditions and restrictions imposed by Chapter II, and particularly by sections 6, 7, 9 and 10. But, regard being had to recent differences of opinion, it is proposed to make the point clear by the addition of a second sub-section.

Proposed new sections 131 and 132.—Sections 131 and 132 of the existing Act are obviously founded upon section 25, clause (6), of the Supreme Court of Judicature Act, 1873 (36 & 37 Vict., c. 66); but successive amendments of the Bill while under consideration seem to have led to the reversal of each rule of the English law.

In the first place, the Indian section is negative in its terms, while the English section is positive. The result is that the former prescribes a compulsory form of transfer for the specific class of actionable claims to which it relates, whereas the latter merely provides that certain consequences shall follow if this form of transfer be adopted.

In the second place, the English section applies to all debts and other legal choses in action, but the Indian section applies only to debts and beneficial interests in moveable property. It is not clear what rule would apply in India to an actionable claim relating to both moveable and immoveable property; nor is there any specific provision as to actionable claims in respect of immoveable property. Further, it is not apparent why written notice to the debtor should not be required in the latter case. And, again, it is uncertain, on the construction of the section, whether the term "beneficial interest" is to cover a charge. The English section is confined to absolute assignments.

In the third place, the English enactment requires the transfer itself to be in writing; but the Indian Act is silent on the point, and, therefore, by virtue of section 9, the transfer need not be in writing.

In the fourth place, the English Act requires express notice in writing to be given to the debtor. The Indian Act provides for three alternatives—express notice, the fact that the debtor is aware of the transfer, or the fact that he is a party to the transfer. The Indian Act then curiously goes on to provide that, where express notice is given, it must be given by the transferor; whereas in practice, of course, notice is given by the transferee in order to complete his title. As to the last point, see *Ragho* v. *Narayan* (1895), I. L. R., 21 Bom., at p. 62.

It is thought best to legislate on the lines of the English Act so as to restore uniformity in the law of the two countries in so far as the same subject-matter is dealt with, and these new sections have been drafted with that object.

Proposed new section 133.—It is difficult to understand section 133 in its present form. The intention apparently was to adapt the English provision above referred to, which is to the effect that, on notice to the transferee, the transfer is effective "to pass and transfer the legal right to such debt or chose in action from the date of such notice, and all legal and other remedies for the same, and the power to give a good discharge for the same without the concurrence of the assignor". The reference to international law seems out of place in its present context, as municipal law is always construed subject to the provisions of international law, and the latter, if it is to be dealt with at all, should be dealt with separately, as in Chapter XVI of the Negotiable Instruments Act, 1881 (XXVI of 1881). The provision as now drafted will perhaps sufficiently reproduce the English law on the point, while avoiding any reference to the distinction between legal and equitable remedies.

Proposed new section 134.—The provisions of section 137 of the existing Act have been made general so as to apply to all actionable claims. The phrase "subject to all the liabilities" appears to have been adopted as the equivalent of the English phrase "subject to all equities entitled to priority over the right of the assignee", and, as it may be thought desirable to avoid the technical term "equities", the words "all the liabilities, defences and priorities" have now been used instead.

Proposed new section 136.—Section 138 of the present Act is here reproduced unaltered. It is of doubtful accuracy, but does not seem to have given rise to any difficulty.

Proposed new section 137.—This reproduces the only unrepealed section of the Policies of Insurance (Marine and Fire) Assignment Act, 1866 (V of 1866). Inasmuch as the provisions of that enactment constitute an exception to the rule laid down in section 131, they ought to find a place in this Chapter. The original section provided for the transfer of marine and fire policies "by endorsement or otherwise", which probably means "by endorsement or other like means", *i.e.*, "by endorsement or other writing".

Proposed new section 138.—The present section 139 simply excepts negotiable instruments from the provisions of the Chapter. If the restrictions on the sale of actionable claims be confined to controverted claims, the only provisions that need be excepted are those of the proposed new sections 130 to 137. But, as regards those new sections, the exceptions contained in the present section 139 require considerable extension. In section 13 of the Negotiable Instruments Act, 1881, the definition of "negotiable instrument" includes only bills, notes and cheques, and does not include the ever increasing class of negotiable instruments which the usage of the money market recognizes as such—see *Chalmers on Bills of Exchange*, Ed. 5, pp. 312-327. So, again, a saving is required for mercantile documents of title to goods, such as bills of lading, etc., which form a class of quasi-negotiable instruments. The definition embodied in the *Explanation* is taken from the English Factors Act, 1889, and is adopted also in the English Sale of Goods Act, 1893.

Proposed new sections 139 and 140.—These provisions, which correspond with sections 135 and 136 of the present Act and owe their origin to the French and Canadian Codes, have given rise to much difficulty. It is, indeed, almost impossible to give effect to them without construing the expression "actionable claim" in a restricted sense. For example, where a business is transferred or converted into a company, the book-debts are sold in a lump, and, as these must consist of good, bad and doubtful debts, a lump sum has to be fixed, and it is impossible to say what has been paid in respect of each. It has been suggested that the provision should be confined—

(1) to actionable claims, where the cause of action has matured (which would cover the case of all book-debts), or

(2) to disputed actionable claims.

The latter seems to be the right suggestion, and it has been adopted in the Bill. The object is to prevent trafficking in actual or impending litigation, and probably the words "which is in controversy" will meet the object as far as it can be met.

If the restriction be confined to the sale of actionable claims which are in controversy, there appears to be no reason why their transfer to a creditor should be allowed. Possibly the assignee of a bankrupt might be allowed to sell such a claim, but the policy of this is very doubtful. It is for consideration whether clause (*b*) of the present section 135 should not be omitted. The latter words of clause (*d*) of that section are not easily understood; for how can it be said that a claim has been made clear by evidence when judgment on it has not been given? This is a question which only the Court about to give judgment could answer, and these words should perhaps also be omitted.

In reproducing the present section 136, the words "legal practitioner" have been substituted for the words "pleader, mukhtar". The provision ought clearly to apply to all legal practitioners alike.

Clause 3 of Bill.

This repealing clause is consequential on the reproduction in the proposed new section 137, as explained above, of so much of Act V of 1866 as is extant in the Statute-book.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 3, 1899.

PART V.

Bills ntroduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVRNMENT OF INDIA.

LEGISLA-IVE DEPARTMENT.

The following Bill was introduced in the Council of the Gvernor General of India for the purpose of maing Laws and Regulations on the 28th July, 1899:

NO. 15 OF 1899.

A Bill to consolidate the law relating to Prisoners confind by order of a Court.

WHEREAS it is expedient to consolidate the law relating to prisoners confined by order of a Court; It is hereby enacted as follows:

PART I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Prisoners Act, 1899.

(*2*) It extends to the whole of British India, inclusive of British Baluchistan, the Santal Parganas and the Pargana of Spiti; and

(*3*) It shall come into force at once.

Definitions.

[New.] 2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Court" includes a Coroner and any officer lawfully exercising civil, criminal or revenue jurisdiction; and

IX of ... s. 3 (*1*) (*b*) "prison" includes any place which has been declared by the Local Government, by general or special order, to be a subsidiary jail.

PART II.

GENERAL.

Officers in charge of prisons to detain persons duly committed to their custody.

3. The officer in charge of a prison shall receive and detain all persons duly committed to his custody, under this Act or otherwise, by any Court, according to the exigency of any writ, warrant, or order by which such person has been committed, or until such person is discharged or removed in due course of law. [V of 1871, s. 5.]

Officers in charge of prisons to return writs, etc., after execution or discharge.

4. The officer in charge of a prison shall forthwith, after the execution of every such writ, order or warrant as aforesaid other than a warrant of commitment for trial, or after the discharge of the person committed thereby, return such writ, order or warrant to the Court by which the same was issued or made, together with a certificate, endorsed thereon and signed by him, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof. [*Ibid*, s. 6.]

PART III.

PRISONERS IN THE PRESIDENCY-TOWNS.

Warrants, etc., to be directed to Police-officers.

5. Every writ or warrant for the arrest of any person issued by the High Court in the exercise of its ordinary, extraordinary or other criminal jurisdiction shall be directed to and executed by a Police-officer within the local limits of such jurisdiction. [*Ibid*, s. 3.]

[*Ibid*, s. 4.]

Power for Local Governments to appoint Superintendents of Presidency prisons.

6. The Local Government may appoint officers who shall have authority to receive and detain prisoners committed to their custody under this Part.

Explanation.—Any officer so appointed, by whatever designation he may be styled, is hereinafter referred to as "the Superintendent."

[*Ibid*, s. 7.]

Delivery of persons sentenced to imprisonment or death by High Court.

7. Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the Superintendent together with its warrant, and such warrant shall be executed by the Superintendent and returned by him to the High Court when executed.

[*Ibid*, s. 8.]

Delivery of persons sentenced to transportation or penal servitude by High Court.

8. Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude, the Court shall cause him to be delivered for intermediate custody to the Superintendent, and the transportation or penal servitude of such person shall be deemed to commence from such delivery.

[*Ibid*, s. 10.]

Delivery of persons committed by High Court in execution of a decree or for contempt.

9. Where any person is committed by the High Court, whether in execution of a decree or for contempt of Court or for any other cause, the Court shall cause him to be delivered to the Superintendent, together with its warrant of commitment.

[*Ibid*, s. 11.]

Delivery of persons sentenced by Presidency Magistrates.

10. Where any person is sentenced by a Presidency Magistrate to imprisonment, or is committed to prison for failure to find security to keep the peace or to be of good behaviour, the Magistrate shall cause him to be delivered to the Superintendent, together with his warrant.

[*Ibid*, s. 12.]

Delivery of persons committed for trial by High Court.

11. Every person committed by a Magistrate, Justice of the Peace, or Coroner for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered to the Superintendent, together with a warrant of commitment, directing the Superintendent to produce such person before the Court for trial; and the Superintendent shall, as soon as practicable, cause such person to be taken before the Court at a criminal session thereof, together with the warrant of commitment, in order that he may be dealt with according to law.

[*Ibid*, s. 13, as amended by XII of 1891.]

XIV of 1882.

Custody pending hearing by High Court under section 350 of the Code of Civil Procedure of application for insolvency.

12. The High Court may, pending the hearing, under section 350 of the Code of Civil Procedure, of any application for a declaration of insolvency, cause the judgment-debtor concerned to be delivered to the Superintendent, subject to the provisions as to release on security of section 349 of the said Code, and the Superintendent shall detain the said judgment-debtor in safe custody until he is re-delivered to an officer of the High Court, for the purpose of being taken before it in pursuance of its order, or until he is released in due course of law.

[*Ibid*, s. 14, as amended by VII of 1894, s. 3.]

Delivery of persons arrested in pursuance of warrant of High Court or Civil Court in Presidency-town.

13. (*1*) Every person arrested in pursuance of a writ, warrant or order of the High Court in the exercise of its original civil jurisdiction, or in pursuance of a warrant of any Civil Court established in a Presidency-town under any law or enactment for the time being in force, or in pursuance of a warrant issued under section 5, shall be brought without delay before the Court by which, or by a Judge of which, the writ, warrant or order was issued, awarded or made, or before a Judge thereof, if the said Court, or a Judge thereof, is then sitting for the exercise of original jurisdiction.

(*2*) If the said Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, such person arrested as aforesaid shall, unless a Judge of the said Court otherwise directs, be delivered to the Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof, for the exercise of original jurisdiction in order that such person may be dealt with according to law; and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

PART IV.

PRISONERS OUTSIDE THE PRESIDENCY-TOWNS.

[*Ibid*, s. last paragraph, added by VII of 1894, s. 1.]

References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools.

14. In this Part all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

[*Ibid*, s. as amended by VII of 1894, s. 4.]

Power for officers in charge of prisons to give effect to sentences of certain Courts.

15. (*1*) Officers in charge of prisons outside the Presidency-towns may give effect to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal acting, whether within or without British India, under the general or special authority of Her Majesty or of the Governor General in Council or of any Local Government, or, with the previous sanction of the Governor General in Council in each case, to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal of any Native Prince or State in India.

(*2*) Where a Court or tribunal of such a Native Prince or State has passed a sentence which cannot be executed without the concurrence of an officer of the British Government, and such sentence has been judicially considered on the merits and confirmed by any such officer specially authorised in that behalf such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Governor General in Council.

[Ibid, s 17.]

Warrant of officer of such Court to be sufficient authority.

16. A warrant under the official signature of an officer of such Court or tribunal as is referred to in section 15 shall be sufficient authority for holding any person in confinement, or for sending any person for transportation, in pursuance of the sentence passed upon him.

[Ibid, s. 18.

Procedure where officer in charge of prison doubts the legality of warrant sent to him for execution under this Part.

17. (1) Where an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution under this Part, or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue the warrant or order, he shall refer the matter to the Local Government, by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

(2) Pending a reference made under sub-section (1), the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order.

[Ibid, s. 19, as amended by VII of 1894, s. 5.]

Imprisonment in British India in certain cases of persons sentenced in Native States in India.

18. The Governor General in Council or the Local Government may, by general or special order, authorize the reception, detention or imprisonment in any place in British India, or in any place under such Government, as the case may be, for any period not exceeding the periods specified in their respective sentences, of persons sentenced within the territories of any Native Prince or State in India to imprisonment or transportation, for any act which would, if done in British India, have constituted—

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(a) an offence under any of the sections or Chapter of the Indian Penal Code specified in the first schedule, or

(b) an attempt to commit any such offence as aforesaid or

(c) abetment of the commission of any such offence as aforesaid, or

(d) any other offence which the Governor General in Council may, by notification in the Gazette of India, specify in this behalf:

Provided that such sentences have been pronounced after trial before a tribunal of which the presiding Judge, or, if the Court consisted of more than one Judge, at least one of such Judges, was an officer of the British Government authorized to act as such Judge by the Native Prince or State or by the Governor General in Council.

[Ibid, s. 20.]

Certificate of conviction and copy of proceedings.

19. The officer of the British Government so authorized as aforesaid shall forward with every prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment or transportation is carried into effect.

[V of 1893, ss. 1, 2 and 3.]

Execution in British India of certain capital sentences not ordinarily executable there.

20. (1) Where a British Court, exercising, in or with respect to territory beyond the limits of British India, jurisdiction which the Governor General in Council has in such territory,—

(a) has sentenced any person to death, and,

(b) being of opinion that such sentence should, by reason of there being in such territory no secure place for the confinement of such person or no suitable appliances for his execution in a decent and humane manner, be executed in British India, has issued its warrant for the execution of such sentence to the officer in charge of a prison in British India,

such officer shall, on receipt of the warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1898. V of 1898.

(2) The prisons of which the officers in charge are to execute sentences under any such warrants as aforesaid shall be such as the Governor General in Council or a Local Government authorized by the Governor General in Council in this behalf may, by general or special order, direct.

(3) Every such tribunal as is referred to in the proviso to section 18 shall be deemed to be a British Court for the purposes of this section:

Provided that every warrant issued under this section by any such tribunal shall, if the tribunal consists of more than one Judge, be signed by a Judge who is an officer of the British Government authorized in the manner provided by the said section.

PART V.

PERSONS UNDER SENTENCE OF PENAL SERVITUDE.

[V of 1871, s. 21.]

Persons under sentence of penal servitude how to be dealt with.

21. (1) Every person under sentence of penal servitude may be confined in such prison within British India as the Governor General in Council, by general order, directs, and may, during such time, be kept to hard labour and, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons under sentence of rigorous imprisonment may, for the time being, by law be dealt with.

(2) The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge or part discharge of the term of the sentence.

[Ibid, s. 22.]

Enactments respecting persons under sentence of transportation or imprisonment with hard labour applied to persons under sentence of penal servitude.

22. Every enactment now in force in British India with respect to persons under sentence of transportation, or under sentence of imprisonment with hard labour, shall, so far as is consistent with this Act, be construed to apply to persons under sentence of penal servitude.

[*Ibid*, s. 23.]

Power to grant license to person sentenced to penal servitude.

23. (*1*) The Governor General in Council may grant to any person under sentence of penal servitude a license to be at large within British India or in such part thereof as is in such license expressed, during such portion of his term of penal servitude and upon such conditions as the Governor General in Council may think fit.

(*2*) The Governor General in Council may revoke or alter any license granted under sub-section (*1*).

[*Ibid*, s. 24.]

Licensee to be allowed to go at large.

24. So long as any license granted under section 23, sub-section (*1*), continues in force and unrevoked, the licensee shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of the license.

[*bid*, s. 25.]

Apprehension of convict where license revoked.

25. In case of the revocation of any such license as aforesaid, any Secretary to the Government of India may, by order in writing, signify to any Justice of the Peace or Magistrate that the license has been revoked, and require him to issue a warrant for the arrest of the licensee, and such Justice or Magistrate shall issue his warrant accordingly.

[*bid*, s. 26.]

Execution of warrant.

26. A warrant issued under section 25 may be executed by any officer to whom it is directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it had been originally issued or subsequently endorsed by the Justice of the Peace or Magistrate or other authority having jurisdiction in the place where it is executed.

[*bid*, s. 27.]

Licensee when arrested to be brought up for recommitment.

27. (*1*) When the licensee, for whose arrest a warrant has been issued under section 25, is arrested thereunder, he shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom the warrant was issued, or before some other Justice or Magistrate of the same place, or before a Justice or Magistrate having jurisdiction in the district in which the licensee has been arrested.

(*2*) Such Justice or Magistrate as aforesaid shall thereupon make out a warrant under his hand and seal for the recommitment of the licensee to the prison from which he was released under the license.

[*bid*, s. 28.]

Recommitment.

28. When a warrant has been issued under section 27, sub-section (*2*), the licensee shall be recommitted accordingly, and shall thereupon be liable to be kept in penal servitude for such further term as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked license, is equal to the term mentioned in the original sentence.

[*bid*, s. 29.]

Penalty for breach of condition of the license.

29. If a license is granted under section 23 upon any condition specified therein, and the licensee—

(*a*) violates any condition so specified, or

(*b*) goes beyond the limits so specified, or

(*c*) knowing of the revocation of the license, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid arrest,

he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence.

PART VI.

REMOVAL OF PRISONERS.

References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools.

30. In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein. [*Ibid*, s. 1, last paragraph, added by VII of 1894, s. 1.]

Removal of prisoners from one prison to another in the same Province.

31. Where any person is, or has been, sentenced to imprisonment or transportation by any Court, or, in default of giving security for keeping the peace or maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1898, the Local Government or (subject to its orders and under its control) the Inspector General of Prisons may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the prison in which he is confined to any other prison within the Province. [*Ibid*, s. 30, enacted by VII of 1894, s. 6.] [V of 1898.]

Lunatic prisoners how to be dealt with.

32. (*1*) Where it appears to the Local Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the Local Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody within the Province, there to be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law. [*Ibid*, s. 31, substituted by X of 1886, s. 25.]

(*2*) Where it appears to the Local Government that the prisoner has become of sound mind, the Local Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the Province, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(*3*) The provisions of section 9 of the Lunatic Asylums Act, 1858, shall apply to every person confined in a lunatic asylum under sub-section (*1*) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a [XXXVI of 1858.]

prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

(4) In any case in which a Local Government is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the Province, the Governor General in Council may order his removal to any lunatic asylum or other place of safe custody in any part of British India; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed by order of a Local Government shall, so far as they can be made applicable, apply to a prisoner removed by order of the Governor General in Council.

[Ibid, s. 32, enacted by VII of 1894, s. 7.]

Removal of prisoners from territories under one Local Government to territories under another.

33. When any person is or has been sentenced to imprisonment or transportation by any Court, or, in default of giving security for maintaining good behaviour, has been committed to or is detained in prison under section 123 of the Code of Criminal Procedure, 1898, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the prison in which he is confined to any other prison in British India.

V of 1898.

PART VII.

PERSONS UNDER SENTENCE OF TRANSPORTATION.

[Ibid, s. 33, substituted by IX of 1882, s. 2.]

Appointment of places for confinement of persons under sentence of transportation and removal thereto.

34. The Governor General in Council may appoint places within British India to which persons under sentence of transportation shall be sent; and the Local Government, or some officer duly authorized in this behalf by the Local Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence.

PART VIII.

DISCHARGE OF PRISONERS.

[Ibid, s. 35.] 24 & 25 Vict., c. 104.

Release of recognizance, by order of High Court, of prisoner recommended for pardon.

35. Any Court established under the Indian High Courts Act, 1861, may, in any case in which it has recommended to Her Majesty the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance.

PART IX.

PROVISIONS FOR REQUIRING THE ATTENDANCE OF PRISONERS AND OBTAINING THEIR EVIDENCE.

Attendance of Prisoners in Court.

References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools.

36. In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein. [VIII of 1897, s. 30.]

Power for Civil Courts to require appearance of prisoner to give evidence.

37. Subject to the provisions of section 41, any Civil Court may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or, if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, make an order in the form set forth in the second schedule, directed to the officer in charge of the prison. [XV of 1869, s. 4.]

District Judge in certain cases to countersign orders made under section 37.

38. (1) Where an order under section 37 is made in any civil matter pending— [Ibid, s. 5.]

(a) in a Court subordinate to the District Judge, or

(b) in a Court of Small Causes outside a Presidency-town,

it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until it has been submitted to, and countersigned by—

(i) the District Judge to which the Court is subordinate, or

(ii) the District Judge within the local limits of whose jurisdiction the Court of Small Causes is situate.

(2) Every order submitted to the District Judge under sub-section (1) shall be accompanied by a statement, under the hand of the Judge of the subordinate Court or Court of Small Causes, as the case may be, of the facts which in his opinion render the order necessary, and the District Judge may, after considering such statement, decline to countersign the order.

Power for certain Criminal Courts to require attendance of prisoner to give evidence or answer to charge.

39. Subject to the provisions of section 41, any Criminal Court not inferior to the Court of a Magistrate of the first class, may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or, if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, or, if a charge of an offence against such person is made or pending, make an order in the form set forth in the second or third schedule, as the case may be, directed to the officer in charge of the prison. [Ibid, s. 3.]

[*Ibid*, s. 6.] **40.** Where any person, for whose attendance an order as in this Part provided is made, is confined in any district other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it is made or countersigned, to the District or Subdivisional Magistrate within the local limits of whose jurisdiction the person is confined, and that Magistrate shall cause it to be delivered to the officer in charge of the prison in which the person is confined.

Order to be transmitted through Magistrate of the district or subdivision in which person is confined.

[*Ibid*, s. 7, first and second paragraphs.] **41.** (*1*) Where a person is confined in a prison within a Presidency-town, or in a prison more than one hundred miles distant from the place where any Court, subordinate to a High Court, in which his evidence is required, is held, the Judge or presiding officer of the Court in which the evidence is so required, shall, if he thinks that such person should be removed under this Part for the purpose of giving evidence in such Court, and if the prison is within the local limits of the appellate jurisdiction of the High Court to which such Court is subordinate, apply in writing to the High Court, and the High Court may, if it thinks fit, make an order in the form set forth in the second schedule, directed to the officer in charge of the prison.

Procedure where removal is desired of person confined in Presidency-town or more than one hundred miles from place where evidence is required.

(*2*) The High Court making an order under sub-section (*1*) shall send it to the District or Subdivisional Magistrate within the local limits of whose jurisdiction the person named therein is confined, and that Magistrate shall cause it to be delivered to the officer in charge of the prison in which the person is confined.

[*Ibid*, s. 8, first paragraph.] **42.** Where a person is confined in a prison beyond the local limits of the appellate jurisdiction of a High Court, any Judge of such Court may, if he thinks that such person should be removed under this Part for the purpose of giving evidence in any criminal matter in such Court or in any Court subordinate thereto, apply in writing to the Local Government of the territories within which the prison is situate, and the Local Government may if it thinks fit, direct that the person be so removed, subject to such rules regulating the escort of prisoners as the Governor General in Council may prescribe.

Persons confined beyond limits of appellate jurisdiction of High Court.

[*Ibid*, s. 9.] **43.** Upon delivery of any order under this Part to the officer in charge of the prison in which the person named therein is confined, that officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in the Court at the time in such order mentioned, and shall cause him to be detained in custody in or near the Court until he has been examined or until the Judge or presiding officer of the Court authorizes him to be taken back to the prison in which he was confined.

Prisoner to be brought up.

44. The Governor General in Council or the Local Government may, by notification in the Gazette of India or the local official Gazette, as the case may be, direct that any person or any class of persons shall not be removed from the prison in which he or they may be confined; and thereupon, and so long as such notification remains in force, the provisions of this Part, other than those contained in sections 46 to 48, shall not apply to such person or class of persons. [*Ibid*, s. 10.]

Power to Government to exempt certain prisoners from operation of this Part.

45. In any of the following cases, that is to say,— [*Ibid*, s. 11.]

Officer in charge of prison when to abstain from carrying out orders.

(*a*) where the person named in any order made under section 37, section 39 or section 41 appears to be, from sickness or other infirmity, unfit to be removed, the officer in charge of the prison in which he is confined, shall apply to the District or Subdivisional Magistrate within the local limits of whose jurisdiction the prison is situate, and if such Magistrate, by writing under his hand, declares himself to be of opinion that the person named in the order is, from sickness or other infirmity, unfit to be removed; or

(*b*) where the person named in any such order is under committal for trial; or

(*c*) where the person named in any such order is under a remand pending trial or pending a preliminary investigation; or

(*d*) where the person named in any such order is in custody for a period which would expire before the expiration of the time required for removing him under this Part and for taking him back to the prison in which he is confined;

the officer in charge of the prison shall abstain from carrying out the order, and shall send to the Court, from which the order has been issued, a statement of the reason for so abstaining:

Provided that such officer as aforesaid shall not so abstain where—

(i) the order has been made under section 37; and

(ii) the person named in the order is confined under committal for trial, or under a remand pending trial or pending a preliminary investigation, and does not appear to be, from sickness or other infirmity, unfit to be removed; and

(iii) the place, where the evidence of the person named in the order is required, is not more than five miles distant from the prison in which he is confined.

Commissions for Examination of Prisoners.

46. In any of the following cases, that is to say,— [*Ibid*, s. 12.]

Commissions for examination of prisoners.

(*a*) where it appears to any Civil Court that the evidence of a person confined in any prison within the local

such Court, if it is a High Court, or if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, who, for any of the causes mentioned in section 44 or section 45, cannot be removed, is material in any matter pending before it; or

(*b*) where it appears to any such Court as aforesaid that the evidence of a person confined in any prison so situate and more than ten miles distant from the place at which such Court is held, is material in any such matter; or

(*c*) where the District Judge declines, under section 38, to countersign an order for removal;

the Court may, if it thinks fit, issue a commission, under the provisions of the Code of Civil Procedure, for the examination of the person in the prison in which he is confined. XIV of 1882.

[*Ibid*, s. 13.] Commissions for examination of prisoners beyond limits of appellate jurisdiction of High Court.

47. Where it appears to a High Court that the evidence of a person confined in a prison beyond the local limits of its appellate jurisdiction is material in any civil matter pending before it or before any Court subordinate to it, the High Court may, if it thinks fit, issue a commission, under the provisions of the Code of Civil Procedure, for the examination of the person in the prison in which he is confined. XIV of 1882.

[*Ibid*, s. 14.] Commissoin how to be directed.

48. Every commission for the examination of a person issued under section 46 or section 47 shall be directed to the District Judge within the local limits of whose jurisdiction the prison in which the person is confined is situate, and the District Judge shall commit the execution of the commission to the officer in charge of the prison, or to such other person as he may think fit.

Service of Process on Prisoners.

[*Ibid*, s. 15, as partially repealed by X of 1877.] Process how served on prisoners.

49. When any process directed to any person confined in any prison is issued from any Criminal or Revenue Court, it may be served by exhibiting to the officer in charge of the prison the original of the process and depositing with him a copy thereof.

[*Ibid*, s. 16.] Process served to be transmitted at prisoner's request.

50. (*1*) Every officer in charge of a prison upon whom service is made under section 49 shall, as soon as may be, cause the copy of the process deposited with him to be shown and explained to the person to whom it is directed, and shall thereupon endorse upon the process and sign a certificate to the effect that such person as aforesaid is confined in the prison under his charge and has been shown and had explained to him a copy of the process.

(*2*) Such certificate as aforesaid shall be *primâ facie* evidence of the service of the process, and, if the person to whom the process is directed, requests that the copy shown and explained to him be sent to any other person and provides the cost of sending it by post, the officer in charge of the prison shall cause it to be so sent.

Miscellaneous.

Application of Part in certain cases.

51. (*1*) For the purposes of this Part the Courts of Small Causes established in the Presidency-towns and the Courts of Presidency Magistrates shall be deemed to be subordinate to the High Court of Judicature at Fort William, Madras or Bombay, as the case may be. [*Ibid*, s. 2.]

(*2*) For the purposes of this Part, every prison in Lower Burma shall be deemed to be within the local limits of the appellate jurisdiction of the Judicial Commissioner, and the Recorder of Rangoon may issue orders under section 37 or section 39, and may issue a commission under sections 46 to 48 for the examination of any person confined in any prison in Lower Burma. [*Ibid*, s. 7, third paragraph, as substituted by XI of 1889, s. 98.]

(*3*) To obtain the removal of a person confined in a prison outside Lower Burma for the purpose of giving evidence in any criminal matter in any Court within the local limits of the ordinary civil jurisdiction of the Recorder of Rangoon, the Recorder shall have the power conferred on a Judge of a High Court by section 42, and the other provisions of that section shall, as far as they can be made applicable, apply. [*Ibid*, s 8, second paragraph, as substituted by XI of 1889, s. 98.]

Deposit of costs.

52. No order in any civil matter shall be made by a Court under any of the provisions of this Part until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court: [*Ibid*, s. 17.]

Provided that, if upon any application for such order it appears to the Court to which the application is made, that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such Court, and every sum so expended may be recovered by the Government from any person ordered by the Court to pay the same, as if it were costs in a suit recoverable under the Code of Civil Procedure. XIV of 1882.

Power to make rules under this Part.

53. (*1*) The Local Government, and in cases arising under section 42, the Governor General in Council, may make rules— [*Ibid*, s. 18.]

(*a*) for regulating the escort of prisoners to and from Courts in which their attendance is required;

(*b*) for regulating the amount to be allowed for the costs and charges of such escort; and

(*c*) for the guidance of officers in all other matters connected with the enforcement of this Part.

[*Ibid*, s. 19.] (2) All rules made under sub-section (*1*) shall be published in the local official Gazette or the Gazette of India, as the case may be, and shall, from the date of such publication, have the same force as if enacted by this Act.

[*Ibid*, s. 20.] 54. The Local Government may declare what officer shall, for the purposes of this Part, be deemed to be the officer in charge of a prison.

Power to declare who shall be deemed officer in charge of prison.

[New.] 55. The enactments mentioned in the fourth schedule are hereby repealed to the extent specified in the last column thereof.

Repeals.

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(*See section 18.*)

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Section or Chapter of Indian Penal Code.	Description of Offence.
Section 206 . .	Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution.
" 208 . .	Fraudulently suffering decree for sum not due.
" 224 . .	Resistance or obstruction by a person to his lawful apprehension.
Chapter XII .	Offences relating to coin and Government stamps.
Sections 302 to 304	Murder and culpable homicide.
" 305 and 306	Abetment of suicide.
Section 311 . .	Being a thug.
Sections 312 to 316	Causing miscarriage.
Section 317 . .	Exposure and abandonment of child.
Sections 323 to 333	Voluntarily causing hurt.
Section 347 . .	Wrongful confinement to extort property or constrain to illegal act.
" 348 . .	Wrongful confinement to extort confession or compel restoration of property.
Sections 363 to 369	Kidnapping and abduction.
" 370 and 371.	Buying or disposing of any person as a slave and habitually dealing in slaves.
" 372 and 373.	Buying and selling of minor for purposes of prostitution.
Section 376 . .	Rape.
" 377 . .	Unnatural offiences.
Sections 379 to 382	Theft.
" 384 to 389	Extortion.
" 392 and 394 to 402.	Robbery and dacoity.
" 403 and 404.	Criminal misappropriation of property.
" 406 to 409	Criminal breach of trust.
" 411 to 414	Receiving stolen property.
" 435 and 436	Mischief by fire or explosive substance.
" 437 and 438	Mischief with intent to destroy or make unsafe decked vessel or one of twenty tons burden.
Section 439 . .	Intentionally running vessel aground or ashore with intent to commit theft, etc.
" 440 . .	Mischief after preparation for causing death or hurt.
" 453 . .	Lurking house-trespass and house-breaking.
" 456 . .	Lurking house-trespass and house-breaking by night.
Sections 465 to 469	Forgery.
Section 471 . .	Using as genuine a forged document.
Sections 472 to 476	Counterfeiting seals and devices of marks used for authenticating documents.
Section 477 . .	Fraudulent cancellation, destruction, etc., of will, authority to adopt or valuable security.

THE SECOND SCHEDULE.

(*See sections 37 and 39.*)

Court of .

To the officer in charge of the (*state name of prison*).

You are hereby required to produce , now a prisoner in , under safe and sure conduct before the Court of at on the day of next by of the clock in the forenoon of the said day, there to give evidence in a matter now pending before the said Court, and after the said has then and there given his evidence before the said Court or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the prison.

The day of .

A. B.

(Countersigned) *C. D.*

THE THIRD SCHEDULE.

(*See section 39.*)

Court of .

To the officer in charge of the (*state name of prison*).

You are hereby required to produce , now a prisoner in , under safe and sure conduct before the Court of at on the day of next by of the clock in the forenoon of the same day, there to answer a charge now pending before the said Court, and after such charge has been disposed of or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the said prison.

The day of .

A. B.

THE FOURTH SCHEDULE.

(*See section 55.*)

Year.	No.	Title.	Extent of repeal.
1869	XV	The Prisoners' Testimony Act, 1869.	The whole Act.
1871	V	The Prisoners Act, 1871.	The whole Act, except section 15.
1882	IX	The Prisoners Act Amendment Act, 1882.	The whole Act.
1886	X	The Indian Criminal Law Amendment Act, 1886.	Section 25.
1889	XI	The Lower Burma Courts Act, 1889.	Section 98.
1891	XI	The Repealing and Amending Act, 1891.	So much as relates to Act V of 1871.
1893	V	The Foreign Jurisdiction (Capital Sentences) Act, 1893.	The whole Act.
1894	VII	The Prisoners Act (1871) Amendment Act, 1894.	The whole Act.
1897	VIII	The Reformatory Schools Act, 1897.	Section 30.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is merely to consolidate the several Acts relating to prisoners confined by order of a Court which are now to be found in different parts of the Statute-book, and so to replace a number of separate enactments by a single Act, expressed more simply and intelligibly. Only a few explanatory remarks seem to be called for, and these will be found in the *Notes on Clauses* annexed.

The 27th June, 1899. T. RALEIGH.

Notes on Clauses.

The first seven Parts reproduce Act V of 1871 and the Acts relating to the confinement of prisoners, and the remaining Part contains the provisions of Act XV of 1869 which deal with the production of prisoners in Court for the purpose of giving evidence and the service of process upon them while in confinement.

Clause 2.—Act V of 1871 refers somewhat indiscriminately to "prisons" and "jails". The former word has been adhered to throughout the Bill.

Clause 18.—The wording of section 19 of Act V of 1871 is somewhat equivocal, and doubts have in practice been felt as to whether it requires a special order in the case of each prisoner. The necessity for this is not apparent, and the opportunity has been taken to remove all doubt on the point by making it clear that a general order is admissible.

The original section has, it will be observed, been considerably shortened and, it is thought, simplified. All the offences specifically described in the earlier part of the section are covered by the sections mentioned in the schedule to the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), to which reference is made in a later part of it, and this tautology has been avoided in the Bill. It is believed that, with one exception, the clause now proposed exactly reproduces the law contained in the old section. The exception consists in the circumstance that, while section 19 refers to the abetment of suicide by burning or burying alive only, clause 18 of the Bill, read with the first schedule, refers instead to sections 305 and 306 of the Indian Penal Code, *i.e.*, to the abetment of suicide in any form.

Section 34 of Act V of 1871, giving power to make rules as to convicts, has not been reproduced, as power has been already taken in the Prisons Act, 1894 (IX of 1894), to make rules providing for all matters referred to in that section.

Clause 44.—The reference to "the Gazette" in section 10 of Act XV of 1869 has here been amplified. Where the Government of India is concerned, it is the Gazette of India that should be alluded to; where a Local Government, the local official Gazette.

Clause 53.—It is altogether supererogatory to declare, as does section 19 of Act XV of 1869, that rules made thereunder "shall be deemed to have the force of law." The language has, therefore, here been altered so as to provide that all rules duly made under the proposed Act "shall have the same force as if enacted" thereby. The effect of the provision so expressed will be apparent if the decision of the House of Lords in ***Institute of Patent Agents*** v. ***Lockwood*** (1894), L. R. App. Cas. 347, be referred to.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th July, 1899:

NO. 17 OF 1899.

A Bill further to amend the Punjab Courts Act, 1884.

XVIII of 1884. WHEREAS it is expedient further to amend the Punjab Courts Act, 1884; It is hereby enacted as follows:

Short title and commencement.

1. (*1*) This Act may be called the Punjab Courts Act, 1899; and

(*2*) It shall come into force at once.

XVIII of 1884. XIII of 1888.

Addition to section 39, Act XVIII, 1884.

2. To section 39 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1888, the following proviso shall be added, namely:

"Provided that the Chief Court may, with the previous sanction of the Local Government, by notification in the local official Gazette, direct that appeals lying to the Divisional Court under clause (*c*) from all or any of the decrees passed in an original suit by any Munsif or Subordinate Judge shall be preferred to such District Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly."

XVIII of 1884. XIII of 1888.

Substitution of new sections for sections 40 and 41, Act XVIII, 1884.

3. For sections 40 and 41 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1888, the following sections shall be substituted, namely:

Appeals from appellate decrees of Divisional Courts.

"40. A further appeal shall lie to the Chief Court in any of the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely:

(*a*) in a small cause, if the value of the suit is one thousand rupees or upwards, or the decree involves directly some claim to, or question respecting, property of like value, and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below:

(*b*) in a land suit,—

(i) if the value of the suit is two-hundred-and-fifty rupees or upwards and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below; or

(ii) if the value of the suit is one-thousand rupees or upwards:

(*c*) in an unclassed suit,—

(i) if the value of the suit is one-thousand rupees or upwards and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below; or

(ii) if the value of the suit is two-thousand-five-hundred rupees or upwards.

Appellate decrees of District Judge or Divisional Court otherwise final.

"**41.** Subject to the provisions of sections 40 and 70 of this Act and to those of section 595 of the Code of Civil Procedure, an appellate decree of a District Judge or Divisional Court shall be final." XIV of 1882.

Partial repeal of section 43, Act XVIII, 1884.

4. In section 43 of the Punjab Courts Act, 1884, the proviso to sub-section (*2*) is hereby repealed. XVIII of 1884.

XVIII of 1884.

Substitution of new sections for sections 70 and 71, Act XVIII, 1884.

5. For sections 70 and 71 of the Punjab Courts Act, 1884, the following sections shall be substituted, namely:

"70. (1) The Chief Court may call for the record of any case in which no appeal lies to it, and may pass such order in the case as it thinks fit,—

Power for Chief Court to call for record of cases not appealable to it.

(*a*) if the Court, by which the case was decided, appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction with material irregularity; or

(*b*) if, on application made to it the Chief Court is of opinion that there is a question of law or custom and of general interest involved:

" Provided that no application under clause (*b*) shall be admitted after the expiration of thirty days from the date of the order in respect of which the application is made, unless the applicant satisfies the Chief Court that he had sufficient cause for not making the application within that period.

" (2) In computing the period of limitation aforesaid, the provisions of the Indian Limitation Act, 1877, shall be deemed to apply. XV of

" (3) Section 622 of the Code of Civil Procedure, in so far as it applies to the territories to which this Act extends, is hereby repealed. XIV of

"71. In the first schedule to the Court-fees Act, 1870, after No. 12, the following shall be inserted, namely: VI of

Amendment of the first schedule, Act VII, 1870.

'13. Application to the Chief Court in the Punjab for the exercise of its revisional jurisdiction under section 70 of the Punjab Courts Act, 1884.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on a memorandum of appeal'."

XVIII 1884.

6. In section 72 of the Punjab Courts Act, 1884, for the words and figures "under section 622 of the Code of Civil Procedure," the words and figures "under section 70" shall be substituted. XVIII 1884. XIV of

Amendment of section 72, Act XVIII, 1884.

STATEMENT OF OBJECTS AND REASONS.

THE law relating to second appeals in civil cases in the Punjab differs from that applicable to most of the rest of India under the Code of Civil Procedure (Act XIV of 1882). In 1884, when the Punjab Commission was re-organized and improved and the Punjab Courts Act, 1884 (XVIII of 1884), was passed, provision was made—see section 40 of the Act as originally enacted—for a further appeal to the Chief Court from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal where the decree had been passed in an original suit, other than a small cause of value not exceeding five hundred rupees,—

(*a*) if the suit was of the value of more than five hundred rupees;

(*b*) if a single Divisional Judge had varied or reversed the decree of the Court of First Instance;

(*c*) if, in a Divisional Court of more than one Judge, there was not a majority of the Judges of the Court concurring in the decree of the Court of First Instance; and

(*d*) if, on a party's application, the Divisional Court certified that there was a question of law or custom or of general interest involved and that the case was, in its opinion, of sufficient importance to justify a further appeal.

It was also enacted—see section 70—that the revisional section 622 of the Code of Civil Procedure should, in its application to the Punjab, be read as if the words "illegally or" were omitted, and that, for the purposes of that section, no appeal should be deemed to lie in cases which were not appealable under clause (*a*), (*b*) or (*c*) above, and in which an application under clause (*d*) had been refused.

2. Before the Act of 1884 had been many months in force it was found that, although its effect had been greatly to reduce the number of civil appeals to the Chief Court, the amount of appellate work coming before the Divisional Courts, which then consisted of Benches of two Judges, was greater than had been anticipated. The Divisional Courts in consequence fell rapidly into arrears, and, in order to overcome these, the Benches were dissolved and thirteen Divisional Judges were appointed to sit separately in their stead. The first result of this change was a considerable reduction in the arrears pending in the Divisional Courts, but the second result was so large an advance in the number of further appeals that very heavy arrears accumulated in the Chief Court. It was then decided to revise the appellate system again, and the Punjab Courts Act, 1888 (XIII of 1888), was accordingly passed to limit the right of further appeal from the Divisional Courts to the following cases only:

(i) appellate decrees in suits of the value of one thousand rupees or upwards, or involving directly claims to, or questions respecting, property of that value;

(ii) appellate decrees in land-suits made by a single Divisional Judge and varying or reversing, otherwise than as to costs, the original decrees;

(iii) appellate decrees in land-suits made by a Bench, the majority not concurring in confirming, or in varying or reversing otherwise than as to costs, the original decrees; and

(iv) appellate decrees in suits certified by Divisional Judges as involving questions of law or custom and as being of sufficient importance to justify further appeal.

At the same time, a further appeal was expressly barred in any small cause of value not amounting to one thousand rupees and in any unclassed suit not exceeding one hundred rupees in value; but it was further provided that, where a certificate in a case under clause (iv) above had been refused, the Chief Court might admit an application for revision received within thirty days of the refusal, if it thought that a question of law or custom or of general interest was involved and that the case was of sufficient importance to justify a further appeal.

3. Notwithstanding these amendments, second appeals in the Punjab have continued to be so numerous as to keep the Chief Court in arrears and to necessitate the continual services of additional Judges; and the Government of India are of opinion that legislation should be pushed yet farther in the direction of that undertaken in 1888. The general question of amending the law of civil appeal throughout British India, which is now under consideration, has produced many divergent opinions and suggestions, and it is extremely doubtful whether the same degree of limitation on the right of appeal will ever be suitable for all the different Provinces. As regards the Punjab, the Local Government and the Judges of the Chief Court are, at length, after many years' discussion, agreed upon a method of curtailing the number of second appeals which, under the law as it stands, is admitted on all sides to offer to an abnormally litigious population an undesirable incentive to excessive litigation; and the object of this Bill is to give effect to their joint proposals, subject to certain modifications decided upon by the Government of India. The details are referred to in the annexed *Notes on Clauses.*

The 26th July, 1899. C. M. RIVAZ.

Notes on Clauses.

Clause 2.—It is here proposed to incorporate in section 39 of the Punjab Courts Act, 1884 (XVIII of 1884), as amended by the Punjab Courts Act, 1888 (XIII of 1888), a provision similar to that contained in section 21, sub-section (*4*), of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887 (XII of 1887), the object being to make provision for affording, if necessary, relief to the Divisional Courts. This proposal has no bearing on the law of second appeal, but it has been deemed advisable to take the present opportunity of giving effect to it.

Clause 3.—The new section 40 which it is here proposed to substitute for the present section in the Act of 1884 abolishes the system of further appeal on the certificate of a Divisional Judge, and raises, for each class of suit, the money-limit subject to which further appeals should be allowed. Section 41 is then reproduced as it stands with a merely consequential amendment.

Clause 4.—The repeal of the proviso to sub-section (*2*) of section 43 of the Act of 1884 is also consequential.

Clause 5.—Instead of setting forth the modifications subject to which section 622 of the Code of Civil Procedure (Act XIV of 1882) is to apply in the Punjab, it has been thought better to repeal that section locally and to enact in its place the provision which, in the opinion of the Government of India, should regulate the Chief Court's powers in revision. It will be observed that revision is provided for in cases where application is made without delay and the Chief Court is of opinion that there is a question of law or custom *and* of general interest involved.

Section 71 is reproduced with the alterations necessitated by the foregoing changes.

Clause 6.—The amendment here proposed follows the others and requires no further explanation.

J. M. MACPHERSON,
Secretary to the Government of India.

(iii) [illegible] decree of Subordinate Judges [illegible] in [illegible] exceeding [illegible] of decrees; and

(iv) appellate decrees in suits [illegible] involving some substantial question of law or usage as being of [illegible] importance [illegible] appeal.

At the suggestion a further appeal was given in suits [illegible] not amounting to one thousand rupees and in [illegible] suits not [illegible] hundred rupees in value; but it was [illegible] where [illegible] clause (iv) above had been refused that [illegible] might admit an application [illegible] received within thirty days of the refusal, if it thought that a question of law or usage of general interest was involved, [illegible] the case [illegible] to justify a second appeal.

[illegible] these suggestions [illegible] appeals [illegible] to [illegible] services of a [illegible] and [illegible] the Government of India [illegible] should be pushed yet farther in the direction of that [illegible]. The question of amending the law [illegible] under consideration [illegible] and [illegible] doubtful whether the same degree of limitation on the right of appeal will ever [illegible] or all the different Provinces. [illegible] the Punjab, the [illegible] Judges of the Chief Court [illegible] at length [illegible] agreed upon a method of curtailing the number of second appeals [illegible] admitted on all cases [illegible] excessive litigation [illegible] the object of the Bill [illegible] joint proposals, subject to certain modifications [illegible] The details are set out in the annexed Notes on Clauses.

NOTES ON CLAUSES.

Clause 2.—It is here proposed [illegible] in section 40 of the Punjab Courts Act (XVIII of 1884) [illegible] Punjab Courts Act, 1884 [illegible] a provision similar to that contained in section [illegible], sub-section (2), of the [illegible] North-Western Provinces and Assam Civil Courts Act, 1887 (XII of 1887). [illegible] to make provision for affording [illegible] relief [illegible] Court [illegible] in the [illegible] deemed advisable to take the [illegible] of giving effect to it.

Clause 3.—The new section [illegible] the proposed [illegible] limits for the present section in the Act of 1884. It [illegible] the system [illegible] appeal [illegible] Divisional Judges and [illegible] each district, [illegible] and subject to which further appeals should be allowed. Sub-section [illegible] merely consequential amendment.

Clause 4.—The repeal of [illegible] sub-section (2) of section 41 of the Act of 1884 is also consequential.

Clause 5.—Instead of setting forth [illegible] which [illegible] of the Code of Civil Procedure (Act XIV of 1882) is to apply in the Punjab, it has been thought better to repeal that section [illegible] in its place the provisions which, in the opinion of the Government of India, should regulate the Chief Court's power of revision. It will be observed that revision is provided for in cases where application is made without delay and the Chief Court is of opinion that there is a question of law or custom of general interest involved.

Section 72 is reproduced with the alterations necessitated by the foregoing changes.

Clause 6.—The amendment here proposed follows the others and requires no further explanation.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, SEPTEMBER 14, 1899.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 8th September, 1899 :

NO. 20 OF 1899.

A Bill further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882.

WHEREAS it is expedient further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882; It is hereby enacted as follows : XXIII of 1870. XX of 1882.

Short title and commencement.

1. (*1*) This Act may be called the Indian Coinage and Paper Currency Act, 1899 ; and

(*2*) It shall come into force at once.

Substitution of new section for section 12, Act XXIII, 1870.

2. For section 12 of the Indian Coinage Act, 1870, the following section shall be substituted, namely : XXIII of 1870.

Gold coins a legal tender.

"12. Gold coins, whether coined at Her Majesty's Royal Mint in England, or at any Mint established in pursuance of a Proclamation of Her Majesty as a branch of Her Majesty's Royal Mint, shall be a legal tender in payment or on account at the rate of fifteen rupees for one sovereign :

"Provided that such coins have not been called in by any Proclamation made in pursuance of the Coinage Act, 1870, or have not lost weight so as to be of less weight than that for the time being prescribed for like coins by or under the said Statute as the least current weight." 33 & 34 Vict., c. 10.

Addition to section 11, clause (*a*), Act XX, 1882.

3. To section 11, clause (*a*), of the Indian Paper Currency Act, 1882, the following words and figures shall be added, namely : XX of 1882.

" or in gold coin which is legal tender under the Indian Coinage Act, 1870. " XXIII of 1870.

STATEMENT OF OBJECTS AND REASONS.

IT was explained in Council, when leave was asked to postpone this Bill, that it was desirable to await the terms of the Proclamation which is being drafted in London with the view of constituting an Indian Mint a branch of the Royal Mint for the purpose of coining gold, before proceeding with legislation in this country. The Government of India had been led to expect the Proclamation some time since; but are now advised that there may be further delay in its issue owing to technical and legal questions.

But it is considered advisable, in view of the announcement of policy made by the Government, to proceed now with so much of the proposed legislation as is necessary to make the sovereign full legal tender in India at a fixed rate. By this legislation the Government of India will be giving effect to the policy initiated by it in 1893, when the Indian Mints

were closed to the free coinage of silver, with the object of establishing a gold standard. The amendment is framed to carry out the most important of the recommendations of the Currency Committee which has recently reported. These recommendations have been accepted generally by Her Majesty's Government and by the Secretary of State in Council. They are entirely concurred in by the Government of India, and may be summarized as follows:

The Indian Mints should continue to be closed against the unrestricted coinage of silver and they should be opened to the receipt of gold; the gold coin current and legal tender in the United Kingdom should also be declared legal tender in India, at the rate of fifteen rupees to a sovereign, that is at the rate of 1*s.* 4*d.* the rupee, and such gold coins should be coined in the Indian Mints. The Bill contains the modifications in the Indian Coinage Act of 1870 and the Paper Currency Act of 1882 which are necessary to give the recommendaions as regards making gold coins legal tender, at the rate of fifteen rupees to a sovereign, the force of law.

The 5th September, 1899. C. E. DAWKINS.

J. M. MACPHERSON,
Secretary to the Government of India.

᏿overnment Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, OCTOBER 5, 1899.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th September, 1899:

NO. 21 OF 1899.

A Bill to amend the law relating to agricultural land in the Punjab.

WHEREAS it is expedient to amend the law relating to agricultural land in the Punjab; It is hereby enacted as follows:

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Punjab Alienation of Land Act, 1900.

(*2*) It extends to all the territories for the time being administered by the Lieutenant-Governor of the Punjab; and

(3) It shall come into force .

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) The expression "agriculturist" means a person who, either in his own name or in the name of his agnate ancestor, was recorded as the owner of land or as a hereditary tenant in any estate at the first regular settlement:

Provided that the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, extend this definition so as to include any persons or classes of persons in any part of the territories to which this Act applies.

(*2*) The expression "district" means a district as defined for the purposes of the Punjab Land-revenue Act, 1887: XVII of 1887.

Provided that the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, extend or restrict this definition in any particular case.

(*3*) The expression "land" means land which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agriculture or for pasture, and includes the sites of buildings and other structures on such land; and [Cf., Punjab Tenancy Act, 1887, s. 4 (*1*).]

(*4*) The expression "Deputy Commissioner" includes any person authorized by the Local Government to exercise the powers of a Deputy Commissioner.

Permanent Alienation of Land.

Sanction of Revenue-officer required to permanent alienation.

3. (*1*) A person who desires to make a permanent alienation of his land shall be at liberty to make such alienation on obtaining the sanction of a Revenue-officer.

(*2*) Such sanction shall be given in all cases where—

(*a*) the alienor is not a member of an agricultural tribe;

(*b*) the alienor is a member of an agricultural tribe and the alienee is an agriculturist holding land as owner or as occupancy-tenant in the village where the land alienated is situated;

(*c*) the alienor is a member of an agricultural tribe and the alienee is a member of the same tribe residing in the district where the land alienated is situated.

(*3*) Except in the cases provided for by sub-section (*2*), the Revenue-officer shall inquire into the circumstances of the proposed alienation and shall have discretion to grant or refuse the sanction applied for.

(*4*) In the cases provided for by sub-section (*2*) the application for sanction shall be made to such Revenue-officer as the Local Government may determine. In all other cases the application shall be made to such Revenue-officer, not lower in rank than Deputy Commissioner, as the Local Government may determine.

Agricultural tribes.

4. The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, determine for each district what bodies of persons therein are to be deemed to be agricultural tribes for the purposes of this Act.

Saving for rights of pre-emption.

5. Where a Revenue-officer sanctions a permanent alienation of land, no right of pre-emption subsisting in respect of such land shall be taken away or otherwise affected by such sanction.

Temporary Alienations of Land.

Two forms of mortgage only permitted.

6. (*1*) A person may make a temporary alienation of his land by way of mortgage in either of the following forms :—

(*a*) in the form of a usufructuary mortgage, by which the mortgagor delivers possession of the land to the mortgagee and authorizes him to retain such possession and to receive the rents and profits of the land in lieu of interest and towards payment of the principal on condition that after the expiry of the period agreed on, or (if no period is agreed on, or if the period agreed on exceeds fifteen years) after the expiry of fifteen years, the land shall be re-delivered to the mortgagor, and the mortgage-debt shall be extinguished :

Any condition attached to any such usufructuary mortgage by which any legal or customary obligation of the landlord in respect of the land mortgaged is imposed on the mortgagor during the currency of the mortgage or by which the right of the mortgagor to redeem the property at any time during the currency of the mortgage is barred or restricted, shall be null and void.

(*b*) in the form of a mortgage without possession, subject to the condition that, if the mortgagor fails to pay according to his contract. the mortgagee shall have the right to claim a usufructuary mortgage in form (*a*), but shall not have any other remedy against the land mortgaged : such usufructuary mortgage to take effect from the date on which the mortgagee is placed in possession of the land and to remain in effect for such term not exceeding fifteen years as the Revenue-officer, on the application of the mortgagor, may deem to be equitable, and to be for such sum as may be due to the mortgagee on account of the balance of principal due and of interest due (not exceeding the amount claimable as simple interest for three years on the original debt).

(*2*) If any person has, before the commencement of this Act, made a mortgage of his land by way of conditional sale, or shall, after the commencement of this Act, make any mortgage of his land not permitted by the Act, such mortgage shall be null and void :

Provided that the Revenue-officer, on the application of the mortgagor or the mortgagee, may order the mortgagor to execute a usufructuary mortgage as permitted by sub-section (*1*) for the term of fifteen years, or for such less term as the Revenue-officer considers equitable.

(*3*) Applications under this section shall be made to such Revenue officer, not lower in rank than a Deputy Commissioner, as the Local Government may determine.

Limitation on leases.

7. Any person may make a lease of his land for a term of fifteen years if the lessor shall so long live, and any such lease made by any person for a longer term shall be deemed to be a lease for the term permitted by this section.

Bar of further mortgages or leases during currency of first.

8. A person who has made a mortgage or a lease of his land in any form permitted by this Act shall not be at liberty to make any further temporary alienation of his land during the currency of such mortgage or lease.

Ejectment of mortgagee or lessee remaining in possession after term.

9. (*1*) If a mortgagee or lessee remains in possession after the expiry of the term for which he is entitled to hold under his mortgage or lease the Revenue-officer may, of his own motion or on the application of the person entitled to possession, eject such mortgagee or lessee and place the person so entitled in possession.

(*2*) The power conferred by this section shall be exercised by a Revenue-officer not lower in rank than Deputy Commissioner.

General Provisions.

No permanent alienation except as permitted by Act.

10. (*1*) No person shall be at liberty to make any permanent alienation of his land unless in manner permitted by this Act.

(*2*) Any such permanent alienation made without the sanction required by this Act shall take effect as a usufructuary mortgage on the conditions prescribed by section 6, sub-section (*1*), clause (*a*).

Hypothecation of produce by agriculturist forbidden.

11. Every instrument or agreement whereby an agriculturist purports to hypothecate the produce of his land or any part of, or share in, such produce shall be void.

Explanation.—The produce of land means—

(*a*) crops and other products of the earth standing or ungathered on the holding; [Cf., Central Provinces Tenancy Act, 1898, s. 15.]

(*b*) crops and other products of the earth which have been grown on the land and have been reaped or gathered and are

deposited on the land, or on a threshing-ground, or within the village in which the land is situate or the agriculturist resides.

[Cf., Dekkhan Agriculturists' Relief Act, 1879, s. 22.]

Execution-sale of land forbidden.

12. No land shall be sold in execution of any decree or order, whether passed before or after the commencement of this Act.

Registration forbidden in certain cases.

13. No instrument which contravenes the provisions of this Act shall be admitted to registration.

Appeals.

14. (1) An appeal shall lie from the order of a Revenue-officer granting or refusing sanction to a permanent alienation of land or dealing with an application under section 6.

(2) If the order is that of a Tahsildar or other Revenue-officer lower in rank than a Deputy Commissioner, the appeal shall lie to the Deputy Commissioner; if it is the order of a Deputy Commissioner, to the Commissioner; if it is the order of a Commissioner, to the Financial Commissioner.

(3) Except as provided by this section, no proceedings shall be taken to question the validity of any order made by a Revenue-officer under this Act.

Exemption.

15. The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, exempt any district or part of a district or any person or class of persons from the operation of this Act or of any of the provisions thereof.

Power to make rules.

16. (1) The Local Government may make rules for carrying into effect the provisions of this Act;

(2) In particular and without prejudice to the generality of the foregoing provision the Local Government may make rules prescribing the Revenue-officers to whom applications may be made, and the manner and form in which such applications shall be made and disposed of.

STATEMENT OF OBJECTS AND REASONS.

The object of this measure is to place restrictions on the transfer of agricultural land in the Punjab with a view to checking its alienation from the agricultural to the non-agricultural classes.

The expropriation of the hereditary agriculturist in many parts of the Province through the machinery of unrestricted sale and mortgage has been regarded for years past as a serious political danger. It is recognized that the danger is accompanied with bad economic results, that it is increasing, and that, if not arrested, it will grow to formidable dimensions. It is also recognized that the idea of a free transferable interest in land which is at the root of the trouble, is of comparatively modern origin and is contrary both to the existing practice in most Native States and to the traditions and sentiment—if no longer to the practice—of the people of the Punjab. After the most careful consideration of the subject in communication with the Local Government and Her Majesty's Secretary of State, the Government of India have come to the conclusion that direct remedial measures must be undertaken.

The Bill extends to the whole Province, but power is taken—see clause 15—to exempt any district or part of a district or any person or class of persons from the operation of any or all of its provisions.

To every permanent alienation of agricultural land the sanction of a Revenue-officer is made necessary by clause 3, read with clause 10, of the Bill. Such sanction is to be given as a matter of right where the alienor is not a member of an agricultural tribe, or where a member of an agricultural tribe alienates to an agriculturist in the same village, or to another member of his own tribe residing in the district. In any other case inquiry is to be made by a Revenue-officer, not lower in rank than a Deputy Commissioner, into the circumstances of the proposed alienation, and sanction will be given or refused by the officer at his discretion, guided, however, by rules made by the Local Government under clause 16, and a single appeal is, under clause 14, to lie from his decision. The Local Government, with the previous sanction of the Governor General in Council, will, under clause 4, define for each district its "agricultural tribes", and may in this connection give to the term "district" an enlarged or restricted significance—see clause 2 (2).

Clause 6 of the Bill is intended to reduce temporary alienations of agricultural land to two forms of mortgage—(1) a usufructuary mortgage for not more than fifteen years, after which the mortgage is to be extinguished and the land is to revert to the owner; (2) a mortgage without possession, convertible into a usufructuary mortgage for a period not exceeding fifteen years During the currency of a mortgage or lease, the debtor is, under clause 8, to be barred from entering into

a further mortgage or lease, and under clause 9, he may, on the expiry of the term of the mortgage or lease, be put into possession of his land by the Revenue-officer. Clause 12 will prohibit the sale of agricultural land in execution of an existing or future decree of the Civil Courts.

Mortgages by way of conditional sale (*baí bil wafa*), whether made before or after the commencement of the Act, are to be void—see clause 6 (*2*). It is considered that the claims of a creditor will be sufficiently met by power being given to the Revenue-officer to convert such a mortgage, on the application of the mortgagor or mortgagee, into a usufructuary one.

Lastly, the practice of hypothecating the produce, or any part of the produce, of agricultural land by an agriculturist will be forbidden by clause 11.

The 26th September, 1899. C. M. RIVAZ.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, OCTOBER 19, 1899.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 13th October, 1899:

No. 23 OF 1899.

A Bill to make better provision for the health, supervision and control of Emigrants proceeding to or from the labour-districts of Assam.

WHEREAS it is expedient to make better provision for the health, supervision and control of emigrants proceeding to or from the labour-districts of Assam; It is hereby enacted as follows:

Short title, extent and commencement.

1. (*1*) This Act may be called the Assam Emigrants' Health Act, 1900.

(*2*) It extends to the whole of British India, inclusive of the Santhâl Parganas; but

[Cf. Act III of 1898, s. 1, (3)(*a*).]

(*3*) It shall not come into force in any part thereof until the Local Government has, as hereinafter provided, declared it to be applicable thereto.

(*4*) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, apply this Act to the whole or any part of the Province, and may, in like manner, cancel, vary or amend any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "agent" means a person who engages or assists a native of India to emigrate otherwise than in accordance with the provisions of the Assam Labour and Emigration Act, 1900, but includes a garden-sardar specially employed under section 93, or working under the control of an approved agency or association under section 94, of the said Act: —of 1900.

(*b*) "dependant" means any woman (not being herself an emigrant), child or aged or incapacitated relative or friend accompanying an emigrant with the consent of the agent:

(*c*) "emigrant" means a native of India engaged or assisted by an agent to emigrate:

(*d*) "emigrate" denotes the departure of any native of India of the age of sixteen years or upwards (not being a native of a labour-district) from any part of [British] India for the purpose of labouring for hire in a labour-district otherwise than as a domestic servant: and

(*e*) "labour-district" means any of the districts of Lakhimpur, Sibsagar, Nowgong, Darrang, Kamrup, Goalpara, Cachar and Sylhet in the Province of Assam.

Power to make rules for the health, supervision and control of emigrants proceeding to the labour-districts of Assam.

3. (*1*) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, make rules to provide for the health, supervision and control of emigrants proceeding through the Province to or from the labour-districts of Assam.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the routes by which emigrants and their dependants are to travel on their way to or from the labour-districts:

(*b*) require depôts and rest-houses to be provided by, and at the cost of, agents for the accommodation of emigrants and their dependants on or off such routes, and provide for the sanitation and superintendence of such depôts and rest-houses:

(*c*) prescribe the mode, and the numerical strength of the parties, in which emigrants and their dependants are to travel, the arrangements to be made by, and at the cost of, agents for facilitating the journey of emigrants, the length of the daily marches of emigrants by road, and the provision to be made by, and at the cost of, agents for the carriage of emigrants and their dependants when suffering from sickness:

(*d*) regulate the food to be supplied to emigrants and their dependants by, and at the cost of, agents, and the provision to be so made for the proper cooking of such food:

(*e*) regulate the water-supply to be maintained by, or at the cost of, agents for the use of emigrants and their dependants:

(*f*) prescribe the clothing to be supplied to emigrants and their dependants by, and at the cost of, agents:

(*g*) require suitable hospital accommodation, medical treatment and maintenance to be provided by, or at the cost of, agents for emigrants or their dependants when suffering from sickness on their way to or from any of the labour-districts, and the arrangements to be so made, and the maintenance to be so provided, for an emigrant and his dependants when either he or any of them is so suffering:

(*h*) regulate the disposal by, and at the cost of, agents of the dead bodies of emigrants and their dependants: and

(*i*) regulate the powers of entry and inspection which may be exercised for the purposes of any rule under this Act, and the authorities by whom those powers may be exercised.

(*3*) In making any rule under this Act, the Local Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees, and, where the breach is a continuing breach, with a further fine which may extend to fifty rupees for every day after the first in regard to which the offender is convicted of having persisted in the breach.

(*4*) Where an agent fails to perform any act which he is by any rule hereunder required to perform, any officer authorized by the Local Government in this behalf may cause the act to be performed, and the cost, together with simple interest thereon at the rate of six per cent. ***per annum***, may be recovered, on application to a Magistrate having jurisdiction where the agent is for the time being resident, by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to the agent.

Repeal.

4. The Inland Emigrants' Health Act, 1889, and so much of the Repealing and Amending Act, 1897, as relates to that Act, are hereby repealed. Bengal Act I of 1889. V of 1897.

STATEMENT OF OBJECTS AND REASONS.

BY an Act of the Bengal Council No. I of 1889, entitled the Inland Emigrants' Health Act, 1889, provision is made for securing proper arrangements with a view to guarding against sickness and mortality among labourers recruited otherwise than in accordance with the provisions of the Assam Labour and Emigration Act, 1882, on their way to Assam from Lower Bengal, the operation of the enactment being, of course, confined to the latter Province. It is proposed now to repeal that Act and to replace it by an Act of the Governor General's Council capable of application to any part of British India. This Bill has been prepared accordingly, and its provisions are intended also to supplement the new provisions which have, with the object of facilitating emigration to the labour-districts, been included in another Bill to consolidate and amend the law relating to such emigration, which it is proposed to introduce simultaneously in the Supreme Council.

The 7th October, 1899.

C. M. RIVAZ.

J. M. MACPHERSON,

Secretary to the Government of India.

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PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th October, 1899:

NO. 24 OF 1899.

[NOTE.—The portions of clauses 2, 3 and 5 which differ from, or do not appear at all in, the Army Act are, as far as possible, printed in italics.]

A Bill to amend the law relating to the exemption from tolls of persons and property belonging to the Army.

WHEREAS certain officers, soldiers and other persons, and certain animals, baggage and carriages belonging or attached to the Army, are exempted by section 143 of the Army Act from payment of certain duties or tolls; 44 & 45 Vict., c. 58.

And whereas similar exemptions are made by various enactments of the Indian legislatures, but these exemptions are not co-extensive with those made by the said Army Act;

And whereas it is expedient to remove the inconsistency now existing between the said Army Act and the said enactments, and to exempt certain other persons and property belonging to the Army from payment of certain tolls;

And whereas it is declared by section 169 of the said Army Act that "it shall be lawful for the Governor General of India . . . . to provide by law for reducing any fine directed by this Act to be recovered on summary conviction to such amount as may appear to the Governor General . . . . to be better adapted to the pecuniary means of the inhabitants; and also to declare the amount of the local currency which is to be deemed for the purposes of this Act to be equivalent to any sum of British currency mentioned in this Act", and it is expedient to alter in the manner hereinafter appearing the fine imposed by section 143 of the said Army Act;

It is hereby enacted as follows:

1. (*1*) This Act may be called the Indian Tolls (Army) Act, 1900.

Short title, extent and commencement.

(*2*) It extends to the whole of British India, inclusive of British Baluchistan, the Santhál Parganas and the Pargana of Spiti; and

(*3*) It shall come into force on the first day of ————, 1900.

2. In this Act, *unless there is anything repugnant in the subject or* context,—

Definitions.

(*a*) "*Command*" *means one of the principal portions into which the Army of India is, for the time being, divided:* [Cf. Act V of 1869, Pt. I, cl. (16), inserted by Act XII of 1894, s. 4.]

(*b*) "*ferry*" *includes every bridge and other thing which is a ferry within the meaning of any enactment authorizing the levy of tolls on ferries, but does not include any ferry or other thing which is included in the definition of "railway" in section 3 of the Indian Railways Act, 1890:* [Cf. Act XVII, 1878, s. 3; Bengal Act I, 1885, s. 5.] IX of 1890.

(*c*) *the expression "General Officer of the Command" means the General Officer Commanding the Forces in a Command:* [Cf. Act V of 1869, Pt. I, clause (16) inserted by Act XII of 1894, s. 4.]

(*d*) the expression "Her Majesty's Regular Forces" *has the meaning assigned to it by section 190, clause (8), of the Army Act, and includes the Indian Reserve Forces when subject to military law:* [Cf. Army Act, s. 190, (8).] 44 & 45 Vict., c. 58.

[Cf. Army Act, s. 190 (40).]

(e) "horse" includes a mule and any beast of whatever description, *which is* used for burden or draught or for carrying persons:

[Cf. Army Act, ss. 190 (9), 175 (9).] IV of 1888.

(f) *the expression* "Indian Reserve Forces" means the *forces constituted by the Indian Reserve Forces Act, 1888, and includes persons holding commissions in the Indian Army Reserve of officers when called out in any military capacity:*

[Cf. Army Act, s. 143 (1).]

(g) "landing-place" includes a pier, wharf, quay, *jetty and stage*:

[Cf. Indian Army List, July 1st, 1895, pages, 449-472.]

(h) *the expression "local corps under the Government of India" means the Hyderabad Contingent, the Central India Horse, the Malwa Bhil Corps, the Bhopal Battalion, the Deoli Irregular Force, the Erinpura Irregular Force, the Meywar Bhil Corps, the Merwara Battalion and the Escort of the Resident in Nepal, and includes any other corps which may be notified by the Governor General in Council in this behalf by order published in the Gazette of India*:

42 & 43 Vict., c. 41. IX of 1890.

(i) "*public authority*" *means the Government or a local authority; and, so far as regards tolls levied by a railway company under section 4 of the Indian Guaranteed Railways Act, 1879, or section 51 of the Indian Railways Act, 1890, includes such a railway company: and*

[Cf. Army Act, s. 143, (1), (3).] VIII of 1894.

(j) "tolls" include duties (*other than customs duties levied under the Indian Tariff Act, 1894*), *dues*, rates, *rents, fees and charges.*

[Cf. Army Act, s. 143 (1).]

Exemptions from tolls.

3. *The following persons and property, namely:*

(a) all officers and soldiers of—

(i) Her Majesty's Regular Forces,

(ii) *any local corps under the Government of India, or*

(iii) *the Imperial Service Troops*

when on duty or on the march,

(b) *all members of a corps of Volunteers when on duty or on the march,*

(c) *all officers and soldiers of the Indian Reserve Forces when proceeding from their place of residence on being called out for training or service or when proceeding back to their place of residence after such training or service,*

(d) *all grass-cutters of mounted corps forming part of—*

(i) *Her Majesty's Regular Forces,*

(ii) *any local corps under the Government of India, or*

(iii) *the Imperial Service Troops,*

(e) *all other authorized followers of—*

(i) *Her Majesty's Regular Forces,*

(ii) *any local corps under the Government of India,*

(iii) *the Imperial Service Troops, or*

(iv) *any corps of Volunteers,*

when accompanying any body of such Forces, Troops or Volunteers or any members of such corps on the march, or when otherwise moving under the orders of competent military authority,

(f) *all members of the families of officers, soldiers or authorized followers of—*

(i) *Her Majesty's Regular Forces, or*

(ii) *any local corps under the Government of India,*

when accompanying any body of such force or any members of such corps on the march,

(g) all prisoners under military escort,

(h) the horses and baggage of the persons mentioned in clauses (a) *and* (b), *respectively, when accompanying such persons when they are on duty or on the march,*

(i) *the horses of the persons mentioned in clause (d),*

(j) *the horses and baggage of the followers and families mentioned in clauses (e) and (f), respectively, when accompanying such followers or families under the circumstances mentioned in those clauses respectively,*

(k) all carriages, horses *and other animals* belonging to Her Majesty or employed in Her *Majesty's* military service, when conveying any such persons as *hereinbefore* in this section mentioned, or *when conveying* baggage or stores, or *when* returning from conveying *such persons, baggage or stores, or when otherwise moving under the orders of competent military authority,*

(l) *all carriages and horses, when moving under the orders of competent military authority for the purpose of being employed in Her Majesty's military service, and*

(m) *all persons in charge of carriages or animals mentioned in clause (k) or clause (l), when accompanying the same under the circumstances mentioned in those clauses respectively,*

shall be exempted from payment of any tolls—

(n) on embarking or disembarking, *or on being shipped or landed,* from or upon any landing-place, or

(o) in passing along or over any turnpike or other road or bridge, or

(p) *on being carried by means of any ferry,*

otherwise demandable by virtue of any Act, Ordinance, *Regulation*, order or direction of *any* legislature or other *public* authority in British India:

Provided that nothing in this section shall exempt any boats, barges or other vessels employed in conveying the said persons or *property* along any canal from payment of tolls in like manner as other boats, barges and vessels.

[Cf. Bombay Act VI of 1879, s. 44; Bombay Act I of 1885, s. 5.]

4. No tolls shall be leviable by any local authority in respect of—

Tolls on vessels transporting troops and baggage, etc., of troops embarked or disembarked.

(*a*) any vessel employed by the Government solely for the transport of troops, or

(*b*) the baggage or other effects of any troops embarking or disembarking at any port.

(*2*) In respect of all such vessels or troops their families, their baggage and their effects, the local authority concerned shall, in addition to its duties in the embarking and disembarking of the same, perform and supply all such reasonable services and accommodation as may, from time to time, be required by the Government, and shall receive payment for all such services, and accommodation on such terms and for such periods as may, from time to time, be determined by the Government in consultation with such local authority.

[Cf. Army Act, s. 143 (3).]

5. Any person who demands and receives any toll in contravention *of the provisions* of section 3 *or section 4*, shall, *notwithstanding anything in Chapter XXII of the Code of Criminal Procedure, 1898, be tried in a* summary *way*, *and* shall be *punishable with* fine *which may extend to fifty rupees.*

Penalty.

V of 1898.

[Cf. Act II, 1873, s. 8; Act XVII, 1878, s. 15; Act XI, 1881, ss. 4, 5; Ben. Act I, 1885, s. 18.]

6. Where, immediately before the commencement of this Act, any tolls referred to in section 3 are leased, and any persons or articles of property mentioned in that section are not exempted by reason either of—

Compensation to lessees for new exemptions.

(*a*) some enactment, or

(*b*) some order or direction made or given by a public authority, or

(*c*) the terms of the lease, or

(*d*) local usage,

from payment of such tolls, then the lessee shall be entitled to compensation for any loss which he may be proved to have incurred from the operation of section 3.

7. Where, immediately before the commencement of this Act, any persons or articles of property mentioned in section 3 are not exempted by reason either of—

Compensation to railway companies, local authorities, etc., for new exemptions from tolls on roads or bridges.

(*a*) some enactment, or

(*b*) some order or direction made or given by a public authority, or

(*c*) local usage,

from payment of any tolls leviable by—

42 & 43 Vict., c. 41.

IX of 1890.

(i) a railway company acting under section 4 of the Indian Guaranteed Railways Act, 1879, or section 51 of the Indian Railways Act, 1890, or

(ii) a local authority, or

(iii) the Government, acting as a railway administration,

on the passing of such persons or property along or over any road or bridge, then such company, authority or administration shall, except in respect of tolls which are for the time being leased, be entitled to compensation for any loss which it may be proved to have incurred from the operation of section 3.

8. Where, immediately before the commencement of this Act, any persons or articles of property mentioned in section 3 are not exempted by reason either of—

Compensation for use of ferries.

(*a*) some enactment, or

(*b*) some order or direction made or given by a public authority, or

(*c*) local usage,

from payment of any tolls referred to in that section on the carrying of such persons or property by means of a ferry, then the public authority by whom such tolls are leviable, shall, except in respect of tolls which are for the time being leased, be entitled to compensation for the service rendered in carrying such persons or property by means of the ferry.

9. The amount of any compensation payable under section 6, section 7 or section 8 shall, subject to the control of the Governor General in Council, be settled, from time to time, by the Commissioner or by such other officer as the Local Government may appoint in this behalf.

Settlement of amount of compensation.

[Cf. Act II, 1873, s. 8; Act XVII, 1878, s. 15; Act XI, 1881, s. 5; Ben. Act I, 1885, s. 18.]

10. (*1*) The Local Government, in consultation with the General Officer of the Command and with the previous sanction of the Governor General in Council, may make rules to carry out the purposes and objects of this Act.

Rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) declare what evidence shall be accepted as proof that any person or property by or for whom or for which an exemption is claimed under section 3 or section 4, is entitled to such exemption; and

(*b*) declare in what cases the amount of any compensation payable under section 6, section 7 or section 8 shall be referred for the previous sanction of the Governor General in Council.

(*3*) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

(*4*) All rules made under this section shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted by this Act.

11. The enactments specified in the schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Repeals.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See section 11.*)

Year.	Number.	Short title or subject.	Extent of repeal.
		Acts of the Governor General in Council.	
1851	VIII	The Indian Tolls Act, 1851.	In section 4, *the words* of troops and Military stores and equipages on their march or.
1878	XVII	The Northern India Ferries Act, 1878.	So much of section 15 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other things which are exempted by section 3 of this Act.
		Acts of the Governor of Fort St. George in Council.	
1884	I	The City of Madras Municipal Act, 1883.	In section 174, *the word* troops *and the word* Military; *also* so much of the section as relates to any Government stores, vehicles, animals or other property which are or is exempted by section 3 of this Act.
"	IV	The Madras District Municipalities Act, 1884.	In section 91, sub-section (*3*), clause (*b*), as amended by the Madras District Municipalities Act Amendment Act, 1897 (Madras Act III of 1897), *the words* troops, military stores and baggage, Military and.
"	V	The Madras Local Boards Act, 1884.	In section 87, sub-section (*3*), *the words* troops on their march or of military *and the words* military and; *also* so much of the sub-section as relates to any Government stores or equipages which are exempted by section 3 of this Act.
		Acts of the Governor of Bombay in Council.	
1868	II	The Bombay Ferries Act, 1868.	Section 3, clause (*a*).
1875	III	Tolls on Public Roads and Bridges.	In section 5, *the words* of troops and military stores and equipages on their march or.
1879	VI	The Bombay Port Trust Act, 1879.	Section 44.
1886	VI	The Karachi Port Trust Act, 1886.	Section 45.
1888	III	The City of Bombay Municipal Act, 1888.	In section 190, sub-section (*1*), *the letter* (*b*); *also* so much of the rest of the sub-section as excepts vehicles which are exempted by section 3 of this Act.
"	V	The Aden Port Trust Act, 1888.	Section 40, sub-section (*3*), clause (*b*).
		Acts of the Lieutenant-Governor of Bengal in Council.	
1876	V	The Bengal Municipal Act, 1876.	In section 159, *the words* of troops on the march or of animals or vehicles employed in the transport of such troops or, *the words* military or, *in both places in which they occur, and the words* or of any animals, whether belonging to Government or otherwise, which are attached to a regiment or a Military Department, and which pass through a toll-bar: Provided that tolls shall be leviable for conveying such animals over a ferry; *also* so much of the section as relates to any Government stores which are exempted by section 3 of this Act.

THE SCHEDULE—*contd.*

Year.	Number.	Short title or subject.	Extent of repeal.
		***Acts of the Lieutenant-Governor of Bengal in Council*—contd.**	
1884	III	The Bengal Municipal Act, 1884.	In section 168, *the words* of troops on the march or of animals or vehicles employed in the transport of such troops or, *the words* military or *in both places in which they occur, and the words* or of any animals, whether belonging to Government or otherwise, which are attached to a regiment or a Military Department, and which pass through a toll-bar: Provided that tolls shall be leviable for conveying such animals over a ferry; *also* so much of the section as relates to any Government stores which are exempted by section 3 of this Act.
1885	I	The Bengal Ferries Act, 1885.	So much of section 18 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other things which are exempted by section 3 of this Act.
		Act of the Lieutenant-Governor of Burma in Council.	
1898	II	The Burma Ferries Act, 1898.	So much of section 16 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other things which are exempted by section 3 of this Act.

STATEMENT OF OBJECTS AND REASONS.

SECTION 143 of the Army Act (44 & 45 Vict., c. 58) exempts certain officers, soldiers and other persons, and certain animals, baggage and carriages belonging or attached to the Army, from the payment of certain tolls, and the provision is applicable to India in common with the rest of Her Majesty's dominions. In the Indian Statute-book, however, there are several enactments on the same subject; and these, while they provide for exemption from the payment of tolls of the classes referred to in the Army Act, do so in favour of persons more or less different from those indicated in that Act. Moreover, there are some Acts of the Indian legislatures which authorize the levy of tolls of the same classes as those described in the English Statute, but which either contain no exempting clauses at all or merely contain clauses empowering the Executive to allow exemptions.

2. In these circumstances, it has been decided to legislate. In the case of those Indian enactments which contain lists of exempted persons and property, legislation is necessary in order to remove the conflict which at present exists between them and the Army Act The latter would of course prevail if the conflict were brought to the notice of the Courts; but, so long as the Indian enactments remain as they now are, it is probable that full effect may not always in practice be given to the Army Act. In the case, too, of the remaining enactments of the Indian legislatures above mentioned, it is not unlikely that the provisions of s. 143 of the Army Act may be overlooked, tolls being levied under the local law in cases in which their levy is in reality prohibited by Parliament.

3. The present Bill reproduces s. 143 of the Army Act, except sub-section (*2*), which does not apply to India, and amplifies its provisions so as to cover certain additional exemptions, all inconsistent provisions to be found in the Indian Statute-book being at the same time repealed. Section 22 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), prevents the repeal of s. 143 of the Army Act by the Governor General's Legislative Council, but it is believed that there is nothing to prevent that Council from re-enacting the section, and, in doing so, extending the list of persons and property to be exempted from

payment tolls. The list now given in the Bill is a provisional one only. It requires careful consideration, and attention is, therefore, specially invited to its details.

4. The contents of the Bill are explained at length in the annexed *Notes on Clauses.*

The 19th October, 1899. C. M. RIVAZ.

Notes on Clauses.

Clause 2.—Several of the definitions set forth in this clause are taken from the Army Act. The portions which differ from, or do not appear at all in, that Act are, as far as possible, printed in italics.

The definitions of "Command" and "General Officer of the Command" are new, and are required for the purposes of clause 10 of the Bill.

The definition of "ferry" is merely formal. In regard to the exclusion of ferries which are comprised in the definition of "railway" in s. 3 of the Indian Railways Act, 1890 (IX of 1890), it may be explained that the tolls imposed on ferries by or under the various Indian enactments in force are apparently not leviable on ferries which are "used for the purposes of the traffic of a railway and belong to, or are hired or worked by, the authority administering the railway".

The definition of "horse" is taken from s. 190 (*40*) of the Army Act, some verbal alterations being made which do not affect the substance.

The definition of "Indian Reserve Forces" is new, that of "reserve forces" in s. 190 (*9*) of the Army Act being inapplicable to India.

The definition of "landing-place" includes piers, wharves and quays, which are mentioned in s. 143 of the Army Act and in several of the Indian enactments, and jetties and stages, which are mentioned in some Indian enactments.

The definition of "local corps under the Government of India" is new, being introduced in connection with clause 3 of the Bill.

Statutory tolls are leviable in British India by (1) the Government, (2) District Boards, District Councils, Local Boards, Municipalities and Port Trusts, and (3) Railway Companies. The term "public authority" has been employed in the Bill to designate all these bodies, and is defined accordingly. It has been made to include those railway companies only which levy tolls under s. 4 of the Indian Guaranteed Railways Act, 1879 (42 & 43 Vict., c. 41), or s. 51 of the Indian Railways Act, 1890 (IX of 1890), tolls levied under either of these enactments being covered by s. 143 of the Army Act, but not tolls levied by railway companies independently of them.

On the other hand, the definition has been drawn so as to exclude private individuals who levy tolls (otherwise than as the mere delegates of a "public authority") and companies levying tolls, other than railway companies acting under one or other of the Railway Acts mentioned above. It would be improper to interfere with the levy of tolls by such individuals or companies without their consent; and s. 143 of the Army Act apparently does not apply to such tolls.

The definition of "tolls" includes (1) "duties," which are mentioned in s. 143 of the Army Act, (2) "dues," "rents," "fees" and "charges," which are mentioned in several of the Indian enactments, and (3) "rates," which are mentioned both in s. 143 of the Army Act and in several of the Indian enactments.

Customs-duties have been expressly excluded. It is not intended that the Bill should apply to them, and it seems clear that the word "duties" in s. 143 of the Army Act does not refer to them.

Clause 3.—The additions which it is at present proposed to make in re-enacting s. 143 of the Army Act are, as far as possible, printed here in italics.

The "local corps under the Government of India" are for the most part ordinarily stationed in Native territory, but it is considered necessary to mention them because they may be marched into British India. Local corps not under the Government of India have advisedly been omitted because they are employed for local purposes only. They do not ordinarily leave their posts or stations, and, should it be found desirable to exempt any of them from payment of any particular tolls, it will, no doubt, be possible to make special arrangements.

Carriages and transport animals belonging to Her Majesty, or employed in Her Majesty's military service, are exempted by the Army Act from the payment of tolls when conveying officers or soldiers of the Regular Forces on duty or on the march, prisoners under

military escort, horses, baggage or stores, and when returning from conveying the same. In this exemption "other animals" have been included so as to cover the slaughter-cattle which are generally driven along with troops on the march. The words "when otherwise moving under the orders of competent military authority" have also been inserted.

Sub-clause (*l*) has been added to cover carriage collected for the use of troops about to march or for the purposes of an expedition or other special service.

The following are the other alterations made by clause 3:

(*1*) In sub-clause (*n*) the words "or on being shipped or landed" are new. The words "embarking or disembarking" refer, strictly speaking, only to persons, although, as used in s. 143 of the Army Act, they are intended to apply also to the property there mentioned. The words "or on being shipped or landed" are added to secure greater precision; also because several Indian enactments specifically authorize the levy of tolls on property "shipped or landed."

(*2*) Sub-clause (*p*) is new. S. 143 of the Army Act does not exempt military persons or property from payment of tolls at ferries. But most of the Indian enactments on the subject provide for such exemptions, and it is, therefore, thought that clause 3 of the Bill should apply to ferries, subject to the provisions as to compensation hereinafter mentioned.

(*3*) The word "Regulation" is inserted in the latter part of the clause because authority to levy tolls is given by certain Regulations made under the Government of India Act, 1870 (33 Vict., c. 3).

(*4*) The word "public" is inserted before the word "authority" near the end of the clause for the reasons given above in connection with the definition of the expression "public authority" as used in the Bill.

(*5*) The proviso is copied from the proviso to s. 143 (*1*) of the Army Act, the word "property" being substituted for the words "horses, baggage or stores." The Indian enactments which authorize the levy of tolls on vessels passing along canals or other lines of navigation, appear to be—

(*a*) Act XXII of 1856 (Karatoya River), s. 1;

(*b*) Act I of 1867 (Ganges Tolls), s. 2;

(*c*) Act II of 1881 (Pegu and Sittang Canal), s. 4;

(*d*) Bengal Act V of 1864 (Canals and other lines of navigation), s. 5; and

(*e*) Madras Act II of 1890 (Canals and other lines of navigation), s. 6 (*6*).

Clause 4.—Provision is here made in respect of tolls leviable at landing-places. The question has lately arisen in connection with the embarkation and disembarkation of troops at the ports of Bombay and Karachi, and it was originally proposed to provide in the manner indicated by this clause of the Bill for these important cases alone by amending s. 44 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), and s. 45 of the Karachi Port Trust Act, 1886 (Bombay Act VI of 1886), so as to require compensation to be given by the Government for any services rendered by the Port authorities in this connection. There may, however, be other similar cases, and it has, therefore, been decided to include in the Bill a general enactment on the subject and to repeal the provisions of the special Acts above referred to.

Clause 5.—The alterations here made in sub-section (3) of s. 143 of the Army Act are shown in italics. It is proposed, in exercise of the power conferred by s. 169 of the Statute, to reduce the fine to a maximum of fifty rupees, and it has been thought unnecessary expressly to fix any minimum.

Clauses 6 to 9.—These clauses contain provisions for the admission of claims to compensation in cases where actual loss may be occasioned by the operation of clause 3. For the present no attempt has been made to indicate precisely what the machinery should be for determining the extent of such loss; but it is felt that, if possible, claims for compensation should be provided for, and these clauses have been drawn more as indicating this feeling and as a basis for discussion than as definitely expressing the conditions and limitations under which claimants should receive compensation.

Clause *6* declares that the lessees of tolls shall be entitled to compensation for any loss which they may be proved to have incurred from the introduction of the new exemptions mentioned in clause 3. The clause follows precedents in Indian legislation, and it seems only just that, where a right to collect tolls has been purchased on the basis of the existing law, the purchaser should receive compensation for any curtailment of that right. It is considered important to refer to exemptions made in accordance with local usage because it is believed that military establishments are in practice sometimes allowed to pass free of tolls even although no exemption could be claimed under statutory authority or under the terms of leases, and there is no necessity for paying compensation for any but actual losses.

Compensation should clearly be provided for in the case of new exemptions from tolls leviable by railway companies. This it is proposed to effect by clause 7 of the Bill.

It is for consideration, however, whether a right to compensation should be given in the case of new exemptions from tolls leviable by the Government or by local authorities.

As regards the Government, it seems clear that there is no real necessity for paying compensation, since the result would merely be to transfer money from one Department of the State to another. But it is apprehended that State Railway Administrations would object to allowing any new exemptions without payment of compensation, on the ground that their earnings as commercial undertakings would be decreased; and these bodies have accordingly been included.

As regards local authorities, it may be said that, since their power to levy taxes is derived from the Government, the Government may fairly claim that its own establishments and property should be exempted from such taxes without payment of compensation; and it may be noted that many of the Indian enactments already expressly provide for such exemptions. On the other hand, it has been said that local self-governing bodies will be discouraged from improving communications if the loss by exemptions should turn out to be serious, a result which would be unsatisfactory to all concerned. Pending the settlement of this question, local authorities have been included in clause 7 of the Bill.

The right to compensation for new exemptions is given by clause 7 in the case of those tolls only which are leviable on roads or bridges. Compensation in the case of tolls at ferries is provided for by clause 8. The case of the other tolls mentioned in s. 143 of the Army Act, namely, those leviable at landing-places, has already been noticed in connection with clause 4 of the Bill.

Tolls at ferries and at landing-places stand on a somewhat different footing from other tolls, since they represent payments for services directly rendered; and it seems but fair that compensation should be allowed for the new exemptions, although the existing Indian enactments do not, as a matter of fact, provide for compensation for the exemptions already allowed in such cases.

Clause 9 provides for the settlement of the amount payable as compensation under clause 6, clause 7 or clause 8. In placing this duty on the Commissioner of the Division or an officer to be selected by the Local Government, the clause follows s. 15 of the Northern India Ferries Act, 1878 (XVII of 1878). It has, however, been deemed right to make all awards subject to the control of the Governor General in Council so as to give the Government of India power to supervise the disbursements on account of compensation. It will not be necessary for every petty case to be referred for the orders of the Governor General in Council; but, in order to make the control really effective, instructions will probably be issued to the effect that the amounts proposed to be paid in the more important cases must be submitted for previous sanction. The cases in which previous sanction should be obtained can be declared by means of rules more appropriately than by the Bill itself, and this matter is accordingly mentioned in clause 10.

Clause 10.—The only other matter of importance here dealt with is the identification of persons and property for whom or for which exemptions may be claimed under the proposed measure. The necessity for enacting some provisions on this head has been pressed upon the Government of India by several Local Governments, and the best course seems to be to leave such details to rules.

It has been provided that all rules shall be made by Local Governments in consultation with the proper military authorities, and, in order to secure uniformity as far as possible, that the previous sanction of the Governor General in Council shall be required in each case.

Clause 11 and Schedule.—This part of the Bill proposes the repeal of such of the provisions to be found in existing Indian enactments as will be superseded if the Bill, in its present form, becomes law.

J. M. MACPHERSON,

Secretary to the Government of India.

DIEU ET MON DROIT.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 4, 1899.

PART V.—A.

Bills introduced in the Council of the Lieutenant-Governor of the Punjab for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 18 (of the Rules for the Conduct of Business at Meetings of the Council).

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

THE following Report of the Select Committee on the Bill to amend the Punjab Land-Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab, was presented to the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations on the 28th of April 1899:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Punjab Land-Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill, as amended by us, annexed hereto.

1. Despatch of Secretary of State, No. 215, Revenue, dated 24th November 1898.
2. Government of India letter No. $\frac{2695}{232-5}$, dated 24th December 1898.
3. " " " 275, dated 7th February 1899.

Opinions.

4. From Commissioner, Delhi, No. 8, dated 12th January 1899.
5. " " Jullundur, No. 584, dated 15th February 1899.
6. " " Lahore, No. 20, dated 12th January 1899.
7. " " Ráwalpindi, No 189, dated 25th January 1899.
8. " " Deraját, No. 17, dated 9th January 1899.
9. " " Peshâwar, No. $\frac{135}{\text{XVI. J-23}}$, dated 10th January 1899.
10. " Settlement Commissioner, No. 152, dated 26th January 1899.
11. " Registrar, Chief Court, No. 563 G., dated 11th February 1899.
12. " " " No. 721 G., dated 11th February 1899.
13. " Financial Commissioner, No. 131, dated 23rd February 1899.

2. Clause 2 of the Bill contains several sections which it is the object of the measure to add after section 101 of the Punjab Land Revenue Act, 1887, and these sections will now be considered.

3. The word "riverain" has been inserted after the word "fix" in the marginal note to Section 101 A, and a similar addition has been made in the marginal note to Section 101 B.

4. The words "or any Revenue-officer appointed by the Local Government for the purpose" have been omitted from sub-section (2) of Section 101 A, and the words "or any Revenue-officer appointed as aforesaid" have been omitted wherever they occur in the Bill, and a new Section (101 F) has been added giving effect to the purpose intended. The object of this change is to avoid overloading Sections 101 A, 101 B, and 101 C, with the frequent repetition of the words excised. It was deemed inadvisable to insert the required provision in a definition clause as, though the expression "Collector" is not defined in the enactment to which these sections are to be added, the office of Collector is created by that enactment, and it is only for the purposes of the new sections that the provision is required. It has, therefore, been included in them.

5. In sub-section (2) of Section 101 A, the words "subject to the approval of the Financial Commissioner," after the word "shall," where it first occurs, have been omitted as being unnecessary in view of the provisions of sub-section (4) of the same section, which provides for the approval by the Financial Commissioner of the boundary fixed. A double reference to that officer seems unnecessary, more especially as he can also, in all proper cases, exercise his appellate and revisional powers under the Punjab Land Revenue Act, 1887.

6. With reference to paragraph 4 of the Government of India (Legislative Department) letter No. 275, dated the 7th February 1899, the word "landowners" has been used, instead of the word "proprietors," throughout the Bill.

7. In the proviso to sub-section (1) of Section 101 B, the words "and other right-holders" have been inserted after the word "land-owners" where it first occurs because the proprietary and all other rights are transferred from the trans-boundary village to the land-owners alone of the cis-boundary village, and therefore the addition of the words "and other right-holders" is necessary in the one case and not in the other. A similar addition has been made after the word "land-owners," where it first occurs, in Section 101 E.

8. The words "whole or any compact portion" have been omitted from the proviso to sub-section (1) of Section 101 B, as being unnecessary and misleading. In the first place, the effect of these words would be to render the Collector's order under the proviso inoperative if any portion of the land to which the order relates became unfit for cultivation, which is not intended, and, in the second place, the expression "compact" is very indeterminate and would require definition, while there is no object in fettering the discretion of the Collector in any way. That officer's orders being subject to appeal and revision in the ordinary course, his exercise of the discretion vested in him will be sufficiently controlled. A further proviso has been added to make the position clear and also to require a written direction of the Collector when circumstances arise which justify the cancellation or modification of his order suspending the transfer of rights.

9. The words "to be cultivated or" have been omitted from the proviso to sub-section (1) of Section 101 B, as being misleading and unnecessary, misleading because a voluntary abstention for a time from cultivating the land would be a cessation of cultivation which would be technically sufficient to render the order inoperative, and this is not intended, and unnecessary as the remaining words convey the full intent of the provision.

In sub-section (2) of Section 101 B, a similar omission has been made, the words "under cultivation or" being omitted.

10. In sub-section (*1*) of Section 101 C, the words beginning "in the order hereinafter specified" and ending "any proprietor of land in the estate" have been omitted. It appears to be sufficient to provide that the land-owners or any of them may apply under the section, and no object is gained in prescribing the order in which they may apply. The section must be read in connection with Section 101 E, the intention being to transfer the rights to the land-owners of the cis-boundary village as a whole, leaving the distribution of the rights transferred amongst them to the operation of the ordinary law or custom regulating their rights *inter se.*

11. A proviso has been added to sub-section (2) of Section 101 C. making it clear that the Collector may, in his discretion, reject any application for the buying out of rights the transfer of which has been suspended by an order under the proviso to sub-section (*1*) of Section 101 B. This reservation seems necessary.

12. We have considered the remarks made in paragraphs 2 and 3 of the Government of India (Legislative Department) letter No. 275, dated the 7th February 1899. The object of the provisions of Section 101 C is to enable the land-owners of the cis-boundary village to obtain at any time, upon payment of full compensation (when such a course is likely, in the opinion of the Collector, to prevent disputes or to be otherwise desirable) the transfer of rights, the transfer of which has been suspended by an order under the proviso to sub-section (*1*) of Section 101 B. It is open to the owners of rights, the transfer of which is suspended by the Collector's order, to transfer those rights by private contract and subject to the law of pre-emption, and Section 101 D merely provides that where such a transfer is duly effected in favour of a cis-boundary owner, the suspending order, the purpose of which has thus been attained, should cease to operate.

We think that, subject to the changes now made, Sections 101 C and 101 D are not open to objection.

13. We have fully considered the despatch of Her Majesty's Secretary of State for India No. 215, Revenue, dated the 24th November 1898, and think the Bill as now drafted is free from the objection pointed out in paragraph 8 of that despatch.

14. The publication ordered by the Council has been made as follows :—

English.

10th November 1898—1st Publication.

17th " " 2nd "

24th " " 3rd "

Urdu.

1st December 1898—1st Publication.

8th " " 2nd "

15th " " 3rd "

15. We think that the Bill has not been so altered as to require republication, and we recommend that it be passed as now amended.

S. S. THORBURN.

The 25th March 1899. MADAN GOPAL.

C. L. TUPPER.

Annexure to Report of select Committee.

No. I OF 1898.

A Bill to amend the Punjab Land Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.

Title.

AN Act to amend the Punjab Land Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.

Preamble.

WHEREAS it is expedient to make better provision for the ascertainment and determination of the boundaries between estates which are subject to, or liable to be affected by, the action of a river, and to amend the law relating to the determination of claims to lands gained by alluvion and to prevent disputes as to such boundaries and lands;

Short title, extent and commencement.

1. It is hereby enacted as follows :—

(1) This Act may be called the Punjab Riverain Boundaries Act, 1899;

(2) It extends to the whole of the Punjab; and

(3) It shall come into force at once.

Sections added after Section 101 of India Act XVII of 1887.

2. After Section 101 of the Punjab Land Revenue Act, 1887, the following sections shall be added, namely :— India Act XVII of 1887.

"Power to fix boundary between riverain estates."

"101 A. (*1*) When any two or more estates are subject to river action and the limits of any such estates are, by any law, custom, decree or order applicable thereto liable to vary according as variations may from time to time occur in the course or action of such river, the Local Government may, in its discretion, order a permanent boundary line to be fixed between any such estates or such portions thereof as are liable to river action. Cf. Regulation XI of 1825, Section 2.

(*2*) Upon an order being made under sub-section (*1*), the Collector shall fix a boundary line between such estates or portions of such estates accordingly, and shall demarcate the same, in accordance with the rules (if any) made under Section 100 and the provisions of Section 101.

(*3*) Every such boundary line shall be fixed with due regard to the history of the estates and the interests of the persons respectively owning them or possessing rights therein, in such manner as may be just and equitable in the circumstances of each case.

(*4*) No such boundary line shall be deemed to have been permanently fixed until it has been approved by the Financial Commissioner."

"Effect of fixing a boundary between riverain estates: Proviso."

"101 B. (*1*) Every boundary line fixed in accordance with the provisions of Section 101 A, shall, notwithstanding any law or custom, or any decree or order of any Court of law, to the contrary, be the fixed and constant boundary between the estates affected thereby, and the proprietary and all other rights in every holding, field or other portion of an estate situate on each side of the boundary line so fixed, shall, subject to the following proviso, vest in the land-owners of the estate which lies on that side of the boundary line on which such holding, field or other portion of an estate is situate:

Provided that if, by the operation of this section, the proprietary or any other rights in any land which, at the time a boundary line is fixed, is under cultivation or reasonably fit for cultivation or yields any produce of substantial value, would be transferred from the land-owners and other right-holders of any one estate to the land-owners of any other estate, the Collector shall, by written order, direct that the rights in such land shall, subject to

the provisions of Section 101 C and Section 101 D, not be so transferred unless and until the land, in respect of which any such order is made, ceases to be reasonably fit for cultivation, or to yield any produce of substantial value, and, upon any such order being made the transfer of the rights in such land shall be suspended accordingly:

Provided further that when any portion of the land specified in any such order ceases to be reasonably fit for cultivation or to yield any produce of substantial value, the order shall, when the Collector, in writing, so directs, cease to operate as to that portion.

(2) The decision of the Collector as to whether for the purposes of the proviso to sub-section (1) of this section, any land is or is not, reasonably fit for cultivation or does or does not yield any produce of substantial value, shall be final."

"Application for immediate transfer of rights reserved under the proviso to sub-section (1) of Section 101 B, upon payment of compensation, and procedure thereupon. Award of compensation and extinguishment of rights thereby."

"101 C. (1) When any order has been made under the proviso to sub-section (1) of Section 101 B, the landowners (or any of them) in whom, but for such order, the rights in the land specified therein, would vest, may apply, in writing, to the Collector to forthwith transfer the rights, the transfer of which has been suspended by such order, upon payment of compensation for the same.

(2) When an application under sub-section (1) is made, the Collector shall—

(a) fix a day for the hearing of the application;

(b) cause notice of the application, and of the day fixed for the hearing thereof, to be served on, or proclaimed for the information of, all persons recorded as having rights in the land specified in the order made under the proviso to sub-section (1) of Section 101 B, and all other persons interested or claiming to be interested therein; *Cf.* Section 113, India Act XVII of 1887.

(c) upon the day so fixed for hearing, or any day to which the hearing may be adjourned, inquire into the rights in the land and award compensation in respect of all rights found established therein, to the persons severally entitled thereto; *Cf.* Section 114 of India Act XVII of 1887.

(d) inform the applicant of the aggregate amount of compensation so awarded and require him to deposit the amount with the Collector on or before a day to be fixed by him in that behalf :—

Provided that, notwithstanding anything in this sub-section contained, it shall be lawful for the Collector, in his discretion, and at any time before an award of compensation thereon has been made, to reject any application made under sub-section (1).

(3) In awarding compensation under sub-section (2), the Collector shall be guided by the provisions of Section 23 and Section 24 of the Land Acquisition Act, 1894, so far as the same may be applicable to the circumstances of the case. India Act of 1894.

(4) Upon the fifteenth day of May next after the whole amount of compensation so awarded has been deposited with the Collector, the order made under the proviso to sub-section (1) of Section 101 B, shall cease to operate and the rights specified therein shall be transferred and vest in the manner prescribed in sub-section (1) of Section 101 B, notwithstanding anything in the proviso thereof contained, and the Collector shall proceed to tender the compensation to the persons severally entitled to receive the same under his award. If any such person shall refuse to accept the sum so awarded and tendered to him, it shall be placed to his credit in the public treasury.

(5) When any order made under the proviso to sub-section (1) of Section 101 B, shall, under the provisions of sub-section (4) of this Section, cease to operate and determine, all rights reserved to any person by such order, shall be extinguished."

"101 D. When any person possessing any rights in any land, in regard to the rights in which an order has been made under the proviso to sub-section (1) of Section 101 B, voluntarily transfers such rights to any land-owner of the estate, in the land-owners of which, but for such order, such rights would vest under the operation of sub-section (1) of Section 101 B, the rights so transferred shall forthwith cease to be subject to such order."

"Order under the proviso to sub-section (1) of Section 101 B, to cease to apply to rights voluntarily transferred to a landowner of the estate to which the land is transferred by fixing boundary."

"101 E. In every case in which, by the operation of Section 101 B or Section 101 C or Section 101 D, proprietary or other rights in land are transferred from the land-owners and other right-holders of any one estate to the land-owners of any otner estate, such rights shall be subject to all the incidents of tenure and liabilities which, under any law or custom for the time being in force, apply to the rights of the land-owners of the estate to which such rights are so transferred."

"Rights transferred to be liable to all the incidents of tenure of the estate to which the transfer is made."

"101 F. For the purposes of Sections 101 A, 101 B and 101 C, respectively the expression "Collector" shall be deemed to include any Revenue Officer appointed by the Local Government to perform all or any of the functions of a Collector under any of the provisions thereof."

"Meaning of the expression Collector in Sections 101 A, 101 B and 101 C."

3. After clause (xviii) of sub-section (2) of Section 158 of the Punjab Land Revenue Act, 1887, the following clause shall be added, namely:— India Act XVII of 1887.

Clause added to sub-section (2) of Section 158 of India Act XVII of 1887.

"(xviii *a*). Any question connected with or arising out of or relating to any proceedings for the determination of boundaries of estates subject to river action under Sections 101 A, 101 B, 101 C and 101 D, respectively, of Chapter VIII."

4. (1) In Section 2 of Bengal Regulation No. XI of 1825 (*a Regulation for declaring the rules to be observed in determining claims to lands gained by alluvion, or by the dereliction of a river, or the sea*) after the words "usage so established shall"—the words following shall be inserted, namely:— Regulation XI of 1825, Sections 2 and 3.

Amendment of Sections 2 and 3 of Bengal Regulation XI of 1825.

"unless and until a boundary is fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899," India Act XVII of 1887. Punjab Act I of 1899.

(2) In Section 3 of the same Regulation, after the word "where"—the words following shall be inserted, namely:—

"no boundary has been fixed under the provisions of Section 101 A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899, and" India Act XVII of 1887. Punjab Act I of 1899.

E. W. PARKER,

Secretary to the Legislative Council of the Punjab.

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PART V.—A.

Bills introduced in the Council of the Lieutenant-Governor of the Punjab for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 18 (of the Rules for the Conduct of Business at Meetings of the Council).

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

THE following Bill was introduced in the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations, on the 16th August 1899:—

Bill No. I of 1899.

A Bill to provide for the better preservation and protection of certain portions of the territories of the Punjab situate within or adjacent to the Siwálik *mountain range or affected or liable to be affected by the action of streams and torrents, such as are commonly called* chos, *flowing through or from, or by the deboisement of forests within, that range.*

AN ACT to provide for the better preservation and protection of certain portions of the territories of the Punjab situate within or adjacent to the *Siwálik* mountain range or affected or liable to be affected by the action of streams and torrents, such as are commonly called *chos,* flowing through or from, or by the deboisement of forests within, that range.

WHEREAS it is expedient to provide for the better preservation and protection of certain portions of the territories of the Punjab situate within or adjacent to the *Siwálik* mountain range or affected or liable to be affected by the action of streams and torrents, such as are commonly called *chos,* flowing through or from, or by the deboisement of forests within, that range:

It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Punjab Land Preservation (*Chos*) Act, 1899; and

(2) It shall come into force at once.

Definitions.

2. In this Act, unless a different intention appears from the subject or context,—

(*a*) the expression "land" means land within any local area preserved and protected or otherwise dealt with in manner in this Act provided, and includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth; India Act I of 1894, section 3 (*a*).

(*b*) the expression "*cho*" means a stream or torrent flowing through or from the *Siwálik* mountain range within the Punjab ;

India Act VII of 1878, section 2.

(*c*) the expressions "tree," "timber," "forest produce" and "cattle," respectively, shall have the meanings severally assigned thereto in section 2 of the Indian Forests Act, 1878 ;

India Act I of 1894, section 3 (*b*).

(*d*) the expression "person interested" includes all persons claiming any right to or interest in compensation to be made on account of measures taken under this Act for the better preservation and protection of any local area ; and

Punjab Act I of 1898, section 2 (14); India Act I of 1894, section 3 (*c*).

(*e*) the expression "Deputy Commissioner" includes any officer or officers at any time specially appointed by the Local Government to perform the functions of a Deputy Commissioner under this Act.

Notification and regulation of Areas.

Notification of areas.

3. (*1*) Whenever it appears to the Local Government that it is desirable to provide for the better preservation and protection of any local area, situate within or adjacent to the *Siwálik* mountain range or affected or liable to be affected by the deboisement of forests in that range or by the action of *chos*, such Government may, by notification, make a direction accordingly.

Cf. section 14, Act X of 1897.

(*2*) The Local Government may, at any time, by like notification, add to, amend, vary or rescind any notification made under sub-section (*1*).

India Act VII of 1878, sections 29 and 31.

Power to regulate, restrict or prohibit, by *general* or *special* order, within notified areas, certain matters.

4. The Local Government may, by general or special order, either for a period to be specified in the order, or until further orders, or absolutely and in perpetuity, regulate, restrict or prohibit, in respect of areas notified under section 3 generally, or of the whole or any part of any such area, all or any of the following things, namely :—

(*a*) the cultivating, or the clearing or breaking up for cultivation or any other purpose, of land not ordinarily under cultivation prior to the publication of the notification under section 3;

(*b*) the quarrying of stone or lime, or the burning of lime, at places where such stone or lime had not ordinarily been so quarried or burnt prior to the publication of the notification under section 3 ;

(*c*) the cutting of trees, timber or wood, or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (*b*) of this sub-section, of any forest-produce other than grass, save for the *boná fide* domestic or agricultural purposes of the inhabitants ;

(*d*) the setting on fire of grass, stubble, brushwood or trees;

(*e*) the admission, herding, pasturing or retention of sheep or goats ;

(*f*) the examination of forest-produce passing out of any such area, and

(*g*) the granting of permits to the inhabitants of towns and villages situate within the limits or in the vicinity of any such area to take trees, timber or other forest-produce for their own use therefrom, or to pasture sheep or goats or to cultivate or erect buildings therein, and the production and return of such permits by such persons.

Power, in certain cases, to regulate, restrict or prohibit, by special order, within notified areas, certain further matters.

5. The Local Government may, by special order, either for a period to be specified in the order or until further orders, regulate, restrict or prohibit, in respect of any specified village or villages or part or parts thereof comprised within the limits of any area notified under section 3, all or any of the following things, namely :— *Ibid.*

(*a*) the cultivating of any land ordinarily under cultivation prior to the publication of the notification under section 3 ;

(*b*) the quarrying of any stone or lime or the burning of any lime at places where such stone or lime had ordinarily been so quarried or burnt prior to the publication of the notification under section 3

(*c*) the cutting of trees, timber or wood, or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (*b*) of this sub-section, of any forest-produce for the *boná fide* domestic or agricultural purposes of the inhabitants ; and

(*d*) the admission, herding, pasturing or retention of cattle generally, other than sheep and goats, or of any class or description of such cattle.

Necessity for regulation, restriction or prohibition to be recited in the order under section 4 or 5. Publication of order.

6. Every order made under section 4 or section 5, shall be published in the Gazette and shall set forth that the Local Government is satisfied, after due inquiry, that the regulations, restrictions or prohibitions contained in the order are necessary for the purpose of giving effect to the provisions of this Act.

Act VII of 1878, section 5.

Bar to accrual of new rights after issue of notification.

7. After the publication of a notification under section 3, and so long as any such notification shall remain in force, no right to—

(*a*) clear or break up land for cultivation or any other purpose;

(*b*) cultivate or build on land;

(*c*) quarry stone or burn lime or charcoal or cut trees, timber, wood or grass;

(*d*) subject to any manufacturing process, or collect or remove, any forest-produce;

(*e*) admit, herd, pasture, or retain cattle of any description,

or the like, shall be acquired in or over land situate within the limits of the area to which such notification relates, otherwise than by the operation of the law or custom of succession, or by private contract or grant, in writing, made in accordance with law, from a person in whom, at the time of the publication of the notification or (if more than one) the first of the notifications applicable to such area, such right was lawfully vested, or his successor in interest.

India Act VII of 1878, section 6.

Proclamation of regulations, restrictions and prohibitions and admission of claims for compensation for rights which are restricted or extinguished.

8. (*1*) When, in respect of any local area, a notification is published under section 3, and—

(*a*) upon such publication any general order made under section 4, becomes applicable to such area, or

(*b*) any special order under section 4 or section 5, is made in respect of such area,

the Deputy Commissioner shall cause public notice of the provisions of such general or special order to be given, and, if the provisions of any such order restrict or extinguish any existing rights, shall also publish, in the language of the country, in every town and village the boundaries of which include any portion of the area within or over which any such rights are so restricted or extinguished, a proclamation stating the regulations, restrictions and prohibitions which have been imposed, by any such order, within the limits of such area or in any part or parts thereof.

(*2*) The Deputy Commissioner shall, in the proclamation issued under sub-section (*1*),—

(*a*) fix a period of not less than three months from the date of such proclamation; and

(*b*) require every person desiring to claim any compensation in respect of any right so restricted or prohibited, within such period either to present to such officer a written notice specifying, or to appear before him and state, the nature and extent of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

(*3*) All claims to compensation made within the time fixed under sub-section (*2*), in any proclamation made under sub-section (*1*), shall be inquired into and dealt with in manner hereinafter in this Act provided for inquiry into claims and award of compensation.

(*4*) No compensation shall be payable in respect of any rights in regard to which no claim has been preferred within the time allowed in any proclamation made under sub-section (*1*):

Provided that the Local Government or any officer authorised by it in this behalf, may, for any sufficient reason, direct, in respect of any right a claim to which has not been made within such period, that it may be inquired into and dealt with as if such claim had been made within such period, and, upon any such direction being given, such claim shall be inquired into and dealt with accordingly.

Control over the beds of Chos.

Action when Local Government considers it desirable to take measures to regulate the beds of *chos*. Vesting of such beds in the Government.

9. (*1*) Whenever it appears to the Local Government that it is desirable that measures should be taken in the bed of any *cho* for the purpose of—

(*a*) regulating the flow of water within and preventing the widening or extension of such bed, or of

(*b*) reclaiming or protecting any land situate within the limits of such bed from the action of the stream or torrent flowing or liable to flow therein,

such Government may, either at once proceed

in manner in sub-section (2) provided, or, in the first instance, by notification specifying the nature and extent of the measures to be taken and the locality in and the time within which such measures are to be so taken, require all persons possessing proprietary or occupancy rights in land situate in such locality to themselves carry out such measures within the time specified in that behalf in such notification.

(2) In the event of any of the owners or occupiers of the bed of any *cho* failing to comply with the requirements of any notification issued under sub-section (1), or if the whole or any part of the bed of any *cho* be unclaimed or lying waste, or, if, in the opinion of the Local Government, the measures deemed necessary under sub-section (1) are of such a character, in regard to extent and cost, that the interference of the Local Government is absolutely necessary, such Government may, by notification, declare that the whole or any part of the area comprised within the limits of the bed of any *cho* shall vest in the Government either absolutely and in perpetuity or for such period as may be specified in the notification:

Provided that no such declaration shall be made in respect of or shall affect any land included within the limits of the bed of any such *cho*, which, at the date of the publication of the notification making such declaration, is cultivated or culturable:

Provided, further, that the decision of the Deputy Commissioner as to whether any land is or is not so cultivated or culturable, shall be final and conclusive and shall not be called in question in any Court of law.

(3) The Local Government may from time to time, by like notification, extend the period during which any such area shall remain vested in the Government.

Effect of notification to suspend or extinguish private rights in the area notified under section 9.

10. Upon the making of any declaration under sub-section (2) of section 9, all private rights of whatever kind, existing in or relating to any land comprised within the area specified in the notification containing such declaration at the time of the publication thereof, shall—

(a) if no period is specified in such declaration—cease and determine absolutely;

(b) if any period is specified in such declaration—be suspended for such period and for such further period (if any) to which such period may at any time be extended.

Bar of compensation for rights in the bed of any *cho* when vested in the Government.

11. No person shall be entitled to any payment or compensation in respect of any right, whether of ownership, tenancy, easement or otherwise, in or over any land comprised within the area of the bed of any *cho* vested in the Government by a declaration under sub-section (2) of section 9 whether such right shall have been suspended for a time only or determined absolutely in manner therein provided; but upon the expiry of the period (if any) for which any such rights shall have been so suspended, such rights shall revive and be restored to the persons severally entitled thereto according to law.

Power of Deputy Commissioner to delimit the bed and to decide what constitutes such bed. Power to take possession of bed when vested in the Government. Bar of compensation for acts done under this section.

12. (1) The Deputy Commissioner shall, for the purposes of every notification issued under sub-section (2) of section 9, fix the limits of the area comprised within the bed of the *cho* to which such notification is to apply, and the decision of the Deputy Commissioner as to what does or does not, as the case may be, constitute the bed of any *cho* and as to the limits of any such area or bed, shall be final and shall not be called in question in any Court of law.

(2) Upon the publication of a notification containing any declaration under sub-section (2) of section 9, it shall be lawful for the Deputy Commissioner to—

(a) enter upon and take possession of the area specified in such declaration;

(b) eject all persons therefrom; and to

(c) deal with such area, while it remains vested in the Government, as if it were the absolute property of Government.

(3) No person shall at any time be entitled to any payment or compensation for anything done, or purporting to have been done, in exercise of any power by this section conferred.

Power to enter upon and delimit notified areas and beds.

Power to enter upon, survey and demarcate local areas notified under section 3 or section 9.

13. It shall be lawful for the Deputy Commissioner and for his subordinate officers, servants, care-takers and workmen, from time to time, as occasion may require,—

(a) to enter upon and survey any land comprised within any local area in regard to which any notification is issued under section 3 or section 9 of this Act;

(*b*) to erect bench-marks on and to delimit and demarcate the boundaries of any such local area; and

(*c*) to do all other acts and things which may be necessary in ordr adequately to delimit, map out and enclose or preserve or protect the land comprised within any such local area or to give effect to all or any of the provisions of any such notification therein:

Provided that reasonable compensation, to be from time to time assessed and determined in the manner in this Act provided, shall be made in respect of any damage or injury caused to the property or rights of any person in carrying out any operations under the provisions of this section within any local area notified under section 3, but no such compensation shall be payable in respect of anything done under the said provisions within the limits of any local area notified under section 9.

Inquiry into claims and award of compensation.

14. (*1*) The Deputy Commissioner shall—

Inquiries into claims and awards thereupon.

(*a*) fix a date for the inquiry into all claims made under section 8 or section 13, and may, in his discretion, from time to time, adjourn the inquiry to a date to be fixed by him;

(*b*) record in writing all statements made under section 8;

(*c*) inquire into all claims duly preferred under section 8 or section 13; and

(*d*) make an award upon each such claim, setting out therein the nature and extent of the right claimed, the person or persons making such claim, the extent (if any) to which, and the person or persons in favour of whom, the right claimed is established, the extent to which it is to be restricted or extinguished, and the nature and amount of the compensation (if any) he awards in respect thereof.

(*2*) For the purposes of every such inquiry the Deputy Commissioner may exercise all or any of the powers of a Civil Court in the trial of suits under the Code of Civil Procedure. India Act XIV of 1882.

(*3*) The Deputy Commissioner shall announce his award to such persons interested or making any claims as are present or are represented before him when the award is announced, and shall record the acceptance of those who accept it. To those of such persons as are not so present the Deputy Commissioner shall cause immediate notice of his award to be given. India Act I of 1894, section 12 (2).

15. (*1*) In determining the amount of compensation, the Deputy Commissioner shall be guided so far as may be by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894, and, as to matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case. India Act I of 1894, section 15. India Act I of 1894, sections 23 and 24.

Method of awarding compensation and effect of such award.

(*2*) The Deputy Commissioner may, with the sanction of the Local Government, instead of awarding a money compensation in respect of any land, make any arrangement with any person having any right, title or interest therein, either by the grant to such person of a similar right, title or interest in other land in exchange therefor, or by the remission of land revenue on other land held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned, and every arrangement so made shall have the effect of an award made under section 14.

(*3*) If, in any case, the exercise of any right is prohibited for a time only, compensation shall be awarded only in respect of the period during which the exercise of such right is so prohibited.

(*4*) When compensation has been awarded, or when no compensation is claimed, in respect of any right the exercise of which has been prohibited absolutely and in perpetuity, such right shall vest absolutely in the Government and shall not revive or be revived in favour of any person entitled thereto or interested therein or his legal representative in interest upon or by reason of the rescission of the notification or proclamation affecting the area in which it originally existed.

Procedure, Records and Appeal.

16. (*1*) For every area notified under section 3 or section 9, the Deputy Commissioner shall prepare a record of the nature, description, local situation and extent of all rights of the kinds mentioned in section 7—

Record-of-rights in respect of notified areas.

(*a*) existing within such area at the time of the publication of the notification relating thereto under section 3 or section 9;

(*b*) regulated, restricted, suspended or extinguished under any general or special order relating to such area made under section 4 or section 5.

(2) When any award is made under section 14, its effect upon all or any of the rights entered in the record shall be recorded therein.

Mode of proclaiming notifications, and of serving notices, orders and processes, issued under the Act.

17. (1) Upon the publication in the Gazette of a notification issued under any of the provisions of this Act, the Deputy Commissioner shall cause public notice of the substance of the provisions thereof to be given at convenient places in the locality to which such notification relates.

India Act XVII of 1887.

(2) The procedure as to the mode of service of or making known notices, orders, proclamations or processes prescribed in sections 20, 21 and 22 of the Punjab Land-Revenue Act, 1887, shall, as far as may be, be observed in proceedings under this Act.

Appeal, review and revision.

India Act XVII of 1887, sections 13—16.

18. Every order, other than an order passed under sub-section (2) of section 9 or sub-section (1) of section 12, passed and every award made by a Deputy Commissioner under this Act, shall, for the purposes of appeal, review and revision, respectively, be deemed to be the order of a Collector within the meaning of sections 13, 14, 15 and 16 of the Punjab Land-Revenue Act, 1887, and shall be subject to appeal, review and revision, as the case may be, in manner in those sections of the said Act in that behalf made and provided and not otherwise:

Provided that nothing in this Act contained shall be deemed to affect in any way the jurisdiction of any Civil Court to decide any dispute arising between the persons interested in any compensation awarded under section 14, as to the apportionment or distribution thereof amongst such persons or any of them.

Penalties, bar of suits and rules.

Penalty for offences.

19. Any person who, within the limits of any local area notified under section 3 commits any breach of any regulation made, or restriction or prohibition imposed under section 4 or section 5, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Application of provisions of Act VII of 1878.

India Act VII of 1878.

20. The provisions of sections 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63 (excluding the last sentence), 64, 65, 66, 67 and 72 of the Indian Forests Act, 1878, shall, so far as applicable, be read as part of this Act, and, for the purposes of these provisions, every offence punishable under section 19 shall be deemed to be a "forest offence," and every officer employed in the management of any area notified under section 3, as caretaker or otherwise, shall be deemed to be a Forest-officer.

Bar of suits.

21. No suit shall lie against the Secretary of State for India in Council, or the Government, for anything done under this Act, and no suit shall lie against any public servant for anything done, or purporting to have been done, by him, in good faith, under this Act.

Power to make rules.

22. (1) The Local Government may make rules, consistent with this Act,—

(a) regulating the procedure to be observed in any inquiry or proceeding under this Act; and

(b) generally for the purpose of carrying into effect all or any of the provisions of this Act.

(2) All rules made under this section shall be published in the Gazette.

STATEMENT OF OBJECTS AND REASONS.

IN consequence of the destruction of the undergrowth and forests on the Siwálik mountain range the surface soil has been largely washed away from the high-lands by rains, and the injurious action of mountain torrents and streams on the low-lands has been greatly increased. The fertile plains below the water-shed of the Siwálik range are being damaged and deteriorated by erosion, deposits of sand and boulders, and sand-drift. The injury done to the rich region of the Jullundur Doáb by what are known as *chos* (torrent beds) has caused much anxiety to the Government for many years.

It is now for the first time that any attempt has been made to appraise by figures and statistics the damage caused to Government and to the people by these destructive torrents. The following summary may be quoted from the Financial Commissioner's letter :—

"During the last period of 10 to 12 years, on account of the action of the *chos* in Hoshiárpur and Jullundur, 16,650 acres of land have been converted into *cho* beds or have totally lost their productive powers while 23,260 acres in addition have been damaged. Government has remitted Rs 11,855 land revenue, and has in addition suffered, or is about to suffer, by reductions in the rent-rolls of the two districts an annual loss of Rs 34,729 land revenue, while the people have lost at a low estimate over 20 lakhs of rupees in the market value of their land. As things are, there is no hope of reclamation or any recovery of these losses. The destructive influence of the *chos* is extending and becoming stronger. To leave out of account the great damage that would follow the blocking up of the East Beyn, the direct damage by *chos* in the next 20 or 30 years is likely to be proportionately much more serious and extensive than that which has occurred in the past 10 or 12 years. The capitalised value of the annual land revenue which Government must lose in the near future, if nothing is done, amounts to many lakhs of rupees."

A stronger case for action can hardly be required.

Up to the present the difficulty of cost has defeated proposals aimed at the reboisement of the hills from which the *chos* originate, and this was because the proposals have been directed to the out-and-out acquisition on behalf of Government of the areas to be treated. It will be seen that the measures now recommended involve no acquisition of land, outside the actual beds of streams and torrents, on behalf of Government, but are designed to secure the application of forest conservancy to areas belonging to the zamíndárs. Doubtless this was the very object with which Chapter VI of the Forest Act was framed, but that chapter fails in its object in the circumstances of the present case. The procedure of Section 35 must be put aside because, if resorted to for over three years, as would be necessary in the present case, Government may be compelled to acquire and pay for the areas subjected to Forest conservancy. The procedure of Section 38 also fails, because it makes no provision for cases, such as we have in Hoshiárpur, in which the zamíndárs' ownership of the forests is subject to rights of tenants and others which cannot be assigned away or interfered with without the consent of the latter. Moreover, even if the owners were competent to assign to Government full control over the forests to the extent of allowing them to be reserved, it would be necessary, in the process of reservation, to make adequate provision elsewhere for pasture rights, and such provision Government cannot make in this locality.

What is required, therefore, is an Act which will enable Government, on payment of reasonable compensation, to extinguish pasture and wood-cutting rights and rights to break up new land for cultivation in forest areas which are not the property of Government and to prevent the further growth of such rights, and with this object the present Bill has been framed. The operative clauses, it will be seen, are clauses 4, 5 and 9. Clauses 4 and 5 provide, for (1) general prohibitions and restrictions contemplated as applicable to entire notified areas and (2) more stringent prohibitions and restrictions contemplated as applicable to special limited areas. Clause 7 is designed to prevent the growth of new rights within areas to which clause 4 or clause 5 is applied. All the remaining clauses of the Bill may be described as procedure clauses. As regards clauses 9—11, it is to be noted that they are intended to apply to the *cho* beds in the plains, where the destruction of land, crops and property occurs, and not to the *cho* sources in the hills where the restrictions contemplated by clauses 4 and 5 will be applied. When the proposals which have led to the present Bill were being initiated, the Financial Commissioner was requested to consider whether the land-holders in the plains who would be benefited, or at any rate protected from further loss, by the measures proposed to be undertaken, should not be called upon to contribute towards the cost of these measures incurred by Government. The benefit in this case is not accompanied by any of the restrictions usually entailed by forest conservancy as it is the residents of the hills and not the zamíndárs in the plains who will, as above explained, be affected by these restrictions. The Financial Commissioner arrived at the conclusion, in which the Lieutenant-Governor concurred, that no scheme for levying a contribution would be feasible or could be worked with justice and without great inconvenience. A suggestion was, however, made and has been embodied in clauses 9—11 of the Bill, that the land-holders of the plains might with justice be required to surrender to Government their proprietary rights in the sandy *cho* beds. These *cho* beds are worthless at present and if nothing is done will always remain worthless. It is believed that in many cases the measures to prevent erosion and promote tree growth in the hills might with advantage be supplemented by experiments in the *cho* beds themselves of the nature of grass-planting operations, protection from grazing and possibly training works, and to carry out any such experiments Government should have not only a free field of action but also the inducement that the land reclaimed in the *cho* beds shall become the property of the State. In this way only will it be possible to exact any contribution from the persons benefited by the Bill. The original proposal as above described has been modified in the present draft of the Bill by providing for the land-holders being first given an opportunity of carrying out measures of reclamation themselves, and in any case the operation of the clauses under consideration will be confined to such areas within the *cho* beds as are neither cultivated nor culturable.

H. C. FANSHAWE,

The 16th August 1899. *Member.*

E. W. PARKER,

Secretary to the Legislative Council of the Punjab.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

THE following Bill was introduced in the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations, on the 16th August 1899:—

Bill No. II of 1899.

A Bill to regulate the period of limitation of suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab.

AN ACT to regulate the period of limitation of suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab.

WHEREAS it is expedient more clearly to prescribe the period of limitation applicable to certain suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab:

It is hereby enacted as follows:—

Short title, local extent and commencement.

1. (*1*) This Act may be called the Punjab Limitation (Ancestral Land Alienation) Act, 1899;

(*2*) It shall extend to the whole of the Punjab; and

(*3*) It shall come into force at once.

India Act XV of 1877, Section 4.

Dismissal of suits of the descriptions specified in the Act if instituted after the period of limitation therein prescribed has expired.

2. Subject to the provisions contained in sections five to twenty-five (inclusive) of the Indian Limitation Act, 1877, and notwithstanding anything to the contrary in the second schedule of the same Act contained, every suit of any description specified in the schedule annexed to this Act, instituted after the period of limitation prescribed therefor in the same schedule, shall be dismissed, although limitation has not been set up as a defence.

Meaning of expression "instituted."

3. For the purposes of this Act, the expression "instituted" shall have the same meaning as that assigned to it in the explanation to section 4 of the Indian Limitation Act, 1877. India Act XV of 1877.

Schedule.

Description of suit.	Period of limitation.	Time from which period begins to run.
1. Suit under the Customary Law of the Punjab, by a reversioner of a male proprietor, to have an alienation of ancestral land made by such proprietor declared void, except for the life of the alienor.	12 years	The date of the alienation.
2. Suit by the heir of a male proprietor governed by the Customary Law of the Punjab to recover possession of ancestral land alienated by such proprietor during his lifetime:		
(*1*) if the alienor die after this Act comes into force;	12 years	(*a*) If a declaratory decree has been obtained—the date of the alienor's death. *Explanation*.—It is immaterial whether the declaratory decree was obtained by the plaintiff or any other reversioner. (*b*) If no declaratory decree has been obtained—when the alienee takes possession.
(*2*) if the alienor shall have died before this Act comes into force.	12 years	The date of the alienor's death.

STATEMENT OF OBJECTS AND REASONS.

IT was formerly the general belief that twelve years' actual possession gave a good title to the holder of ancestral land acquired from an owner governed by the Customary Law of the Province. This belief was shaken by the decision of the Chief Court, published as Punjab Record No. 18 of 1895, which established the principle that the period of limitation for a suit by the next heir for possession of land alienated by the last male owner is twelve years from the date of that owner's death, and not from the date of the alienation or from the taking of actual possession by the alienee. As an owner may long survive his alienation of ancestral land, the perfecting of the alienee's title may under this rule be indefinitely deferred; and the Judges of the Court drew the attention of Sir Dennis Fitzpatrick to the general unsettling of titles hitherto believed secure which was the consequence of the decision, and suggested the desirability of legislation to place the law upon the basis on which it had previously been believed to stand. The present Bill is the outcome of the consideration of the subject by the Government.

In the case of alienors who have died prior to the date of its enactment, it has been thought desirable to lay down in the enactment expressly what the period of limitation is in such cases, namely, twelve years from the death of the alienor, as ruled by the Punjab Chief Court.

MADAN GOPAL,

The 16th August 1899. *Member.*

E. W. PARKER,

Secretary to the Legislative Council of the Punjab.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

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PART V.—A.

Bills introduced in the Council of the Lieutenant-Governor of the Punjab for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 18 (of the Rules for the Conduct of Business at Meetings of the Council).

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Second publication.]

THE following Bill was introduced in the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations, on the 16th August 1899 :—

Bill No. I of 1899.

A Bill to provide for the better preservation and protection of certain portions of the territories of the Punjab situate within or adjacent to the Siwálik *mountain range or affected or liable to be affected by the action of streams and torrents, such as are commonly called* chos, *flowing through or from, or by the deboisement of forests within, that range.*

AN ACT to provide for the better preservation and protection of certain portions of the territories of the Punjab situate within or adjacent to the *Siwálik* mountain range or affected or liable to be affected by the action of streams and torrents, such as are commonly called *chos*, flowing through or from, or by the deboisement of forests within, that range.

WHEREAS it is expedient to provide for the better preservation and protection of certain portions of the territories of the Punjab situate within or adjacent to the *Siwálik* mountain range or affected or liable to be affected by the action of streams and torrents, such as are commonly called *chos*, flowing through or from, or by the deboisement of forests within, that range :

It is hereby enacted as follows :—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Punjab Land Preservation (*Chos*) Act, 1899 ; and

(*2*) It shall come into force at once.

Definitions.

2. In this Act, unless a different intention appears from the subject or context,—

(*a*) the expression "land" means land within any local area preserved and protected or otherwise dealt with in manner in this Act provided, and includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth ; India Act I of 1894, section 3 (*a*).

(*b*) the expression "*cho*" means a stream or torrent flowing through or from the *Siwálik* mountain range within the Punjab;

India Act VII of 1878, section 2.

(*c*) the expressions "tree," "timber," "forest produce" and "cattle," respectively, shall have the meanings severally assigned thereto in section 2 of the Indian Forests Act, 1878;

India Act I of 1894, section 3 (*b*).

(*d*) the expression "person interested" includes all persons claiming any right to or interest in compensation to be made on account of measures taken under this Act for the better preservation and protection of any local area; and

Punjab Act I of 1898, section 2 (14); India Act I of 1894, section 3 (*c*).

(*e*) the expression "Deputy Commissioner" includes any officer or officers at any time specially appointed by the Local Government to perform the functions of a Deputy Commissioner under this Act.

Notification and regulation of Areas.

Notification of areas.

3. (*1*) Whenever it appears to the Local Government that it is desirable to provide for the better preservation and protection of any local area, situate within or adjacent to the *Siwálik* mountain range or affected or liable to be affected by the deboisement of forests in that range or by the action of *chos*, such Government may, by notification, make a direction accordingly.

Cf. section 14, Act X of 1897.

(*2*) The Local Government may, at any time, by like notification, add to, amend, vary or rescind any notification made under sub-section (*1*).

India Act VII of 1878, sections 29 and 31.

Power to regulate, restrict or prohibit, by *general* or *special* order, within notified areas, certain matters.

4. The Local Government may, by general or special order, either for a period to be specified in the order, or until further orders, or absolutely and in perpetuity, regulate, restrict or prohibit, in respect of areas notified under section 3 generally, or of the whole or any part of any such area, all or any of the following things, namely:—

(*a*) the cultivating, or the clearing or breaking up for cultivation or any other purpose, of land not ordinarily under cultivation prior to the publication of the notification under section 3;

(*b*) the quarrying of stone or lime, or the burning of lime, at places where such stone or lime had not ordinarily been so quarried or burnt prior to the publication of the notification under section 3;

(*c*) the cutting of trees, timber or wood, or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (*b*) of this sub-section, of any forest-produce other than grass, save for the *boná fide* domestic or agricultural purposes of the inhabitants;

(*d*) the setting on fire of grass, stubble, brushwood or trees;

(*e*) the admission, herding, pasturing or retention of sheep or goats;

(*f*) the examination of forest-produce passing out of any such area, and

(*g*) the granting of permits to the inhabitants of towns and villages situate within the limits or in the vicinity of any such area to take trees, timber or other forest-produce for their own use therefrom, or to pasture sheep or goats or to cultivate or erect buildings therein, and the production and return of such permits by such persons.

Power, in certain cases, to regulate, restrict or prohibit, by special order, within notified areas, certain further matters.

5. The Local Government may, by special order, either for a period to be specified in the order or until further orders, regulate, restrict or prohibit, in respect of any specified village or villages or part or parts thereof comprised within the limits of any area notified under section 3, all or any of the following things, namely:— *Ibid.*

(*a*) the cultivating of any land ordinarily under cultivation prior to the publication of the notification under section 3;

(*b*) the quarrying of any stone or lime or the burning of any lime at places where such stone or lime had ordinarily been so quarried or burnt prior to the publication of the notification under section 3

(*c*) the cutting of trees, timber or wood, or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (*b*) of this sub-section, of any forest-produce for the *boná fide* domestic or agricultural purposes of the inhabitants; and

(*d*) the admission, herding, pasturing or retention of cattle generally, other than sheep and goats, or of any class or description of such cattle.

Necessity for regulation, restriction or prohibition to be recited in the order under section 4 or 5. Publication of order.

6. Every order made under section 4 or section 5, shall be published in the Gazette and shall set forth that the Local Government is satisfied, after due inquiry, that the regulations, restrictions or prohibitions contained in the order are necessary for the purpose of giving effect to the provisions of this Act.

Act VII of 1878, section 5.

Bar to accrual of new rights after issue of notification.

7. After the publication of a notification under section 3, and so long as any such notification shall remain in force, no right to—

(*a*) clear or break up land for cultivation or any other purpose;

(*b*) cultivate or build on land;

(*c*) quarry stone or burn lime or charcoal or cut trees, timber, wood or grass;

(*d*) subject to any manufacturing process, or collect or remove, any forest-produce;

(*e*) admit, herd, pasture, or retain cattle of any description,

or the like, shall be acquired in or over land situate within the limits of the area to which such notification relates, otherwise than by the operation of the law or custom of succession, or by private contract or grant, in writing, made in accordance with law, from a person in whom, at the time of the publication of the notification or (if more than one) the first of the notifications applicable to such area, such right was lawfully vested, or his successor in interest.

India Act VII of 1878, section 6.

Proclamation of regulations, restrictions and prohibitions and admission of claims for compensation for rights which are restricted or extinguished.

8. (*1*) When, in respect of any local area, a notification is published under section 3, and—

(*a*) upon such publication any general order made under section 4, becomes applicable to such area, or

(*b*) any special order under section 4 or section 5, is made in respect of such area,

the Deputy Commissioner shall cause public notice of the provisions of such general or special order to be given, and, if the provisions of any such order restrict or extinguish any existing rights, shall also publish, in the language of the country, in every town and village the boundaries of which include any portion of the area within or over which any such rights are so restricted or extinguished, a proclamation stating the regulations, restrictions and prohibitions which have been imposed, by any such order, within the limits of such area or in any part or parts thereof.

(*2*) The Deputy Commissioner shall, in the proclamation issued under sub-section (*1*),—

(*a*) fix a period of not less than three months from the date of such proclamation; and

(*b*) require every person desiring to claim any compensation in respect of any right so restricted or prohibited, within such period either to present to such officer a written notice specifying, or to appear before him and state, the nature and extent of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

(*3*) All claims to compensation made within the time fixed under sub-section (*2*), in any proclamation made under sub-section (*1*), shall be inquired into and dealt with in manner hereinafter in this Act provided for inquiry into claims and award of compensation.

(*4*) No compensation shall be payable in respect of any rights in regard to which no claim has been preferred within the time allowed in any proclamation made under sub-section (*1*):

Provided that the Local Government or any officer authorised by it in this behalf, may, for any sufficient reason, direct, in respect of any right a claim to which has not been made within such period, that it may be inquired into and dealt with as if such claim had been made within such period, and, upon any such direction being given, such claim shall be inquired into and dealt with accordingly.

Control over the beds of Chos.

Action when Local Government considers it desirable to take measures to regulate the beds of *chos*. Vesting of such beds in the Government.

9. (*1*) Whenever it appears to the Local Government that it is desirable that measures should be taken in the bed of any *cho* for the purpose of—

(*a*) regulating the flow of water within and preventing the widening or extension of such bed, or of

(*b*) reclaiming or protecting any land situate within the limits of such bed from the action of the stream or torrent flowing or liable to flow therein,

such Government may, either at once proceed

in manner in sub-section (2) provided, or, in the first instance, by notification specifying the nature and extent of the measures to be taken and the locality in and the time within which such measures are to be so taken, require all persons possessing proprietary or occupancy rights in land situate in such locality to themselves carry out such measures within the time specified in that behalf in such notification.

(2) In the event of any of the owners or occupiers of the bed of any *cho* failing to comply with the requirements of any notification issued under sub-section (1), or if the whole or any part of the bed of any *cho* be unclaimed or lying waste, or, if, in the opinion of the Local Government, the measures deemed necessary under sub-section (1) are of such a character, in regard to extent and cost, that the interference of the Local Government is absolutely necessary, such Government may, by notification, declare that the whole or any part of the area comprised within the limits of the bed of any *cho* shall vest in the Government either absolutely and in perpetuity or for such period as may be specified in the notification :

Provided that no such declaration shall be made in respect of or shall affect any land included within the limits of the bed of any such *cho*, which, at the date of the publication of the notification making such declaration, is cultivated or culturable:

Provided, further, that the decision of the Deputy Commissioner as to whether any land is or is not so cultivated or culturable, shall be final and conclusive and shall not be called in question in any Court of law.

(3) The Local Government may from time to time, by like notification, extend the period during which any such area shall remain vested in the Government.

Effect of notification to suspend or extinguish private rights in the area notified under section 9.

10. Upon the making of any declaration under sub-section (2) of section 9, all private rights of whatever kind, existing in or relating to any land comprised within the area specified in the notification containing such declaration at the time of the publication thereof, shall—

(a) if no period is specified in such declaration—cease and determine absolutely;

(b) if any period is specified in such declaration—be suspended for such period and for such further period (if any) to which such period may at any time be extended.

Bar of compensation for rights in the bed of any *cho* when vested in the Government.

11. No person shall be entitled to any payment or compensation in respect of any right, whether of ownership, tenancy, easement or otherwise, in or over any land comprised within the area of the bed of any *cho* vested in the Government by a declaration under sub-section (2) of section 9 whether such right shall have been suspended for a time only or determined absolutely in manner therein provided; but upon the expiry of the period (if any) for which any such rights shall have been so suspended, such rights shall revive and be restored to the persons severally entitled thereto according to law.

Power of Deputy Commissioner to delimit the bed and to decide what constitutes such bed. Power to take possession of bed when vested in the Government. Bar of compensation for acts done under this section.

12. (1) The Deputy Commissioner shall, for the purposes of every notification issued under sub-section (2) of section 9, fix the limits of the area comprised within the bed of the *cho* to which such notification is to apply, and the decision of the Deputy Commissioner as to what does or does not, as the case may be, constitute the bed of any *cho* and as to the limits of any such area or bed, shall be final and shall not be called in question in any Court of law.

(2) Upon the publication of a notification containing any declaration under sub-section (2) of section 9, it shall be lawful for the Deputy Commissioner to—

(a) enter upon and take possession of the area specified in such declaration;

(b) eject all persons therefrom; and to

(c) deal with such area, while it remains vested in the Government, as if it were the absolute property of Government.

(3) No person shall at any time be entitled to any payment or compensation for anything done, or purporting to have been done, in exercise of any power by this section conferred.

Power to enter upon and delimit notified areas and beds.

Power to enter upon, survey and demarcate local areas notified under section 3 or section 9.

13. It shall be lawful for the Deputy Commissioner and for his subordinate officers, servants, care-takers and workmen, from time to time, as occasion may require,—

(a) to enter upon and survey any land comprised within any local area in regard to which any notification is issued under section 3 or section 9 of this Act;

(*b*) to erect bench-marks on and to delimit and demarcate the boundaries of any such local area; and

(*c*) to do all other acts and things which may be necessary in order adequately to delimit, map out and enclose or preserve or protect the land comprised within any such local area or to give effect to all or any of the provisions of any such notification therein:

Provided that reasonable compensation, to be from time to time assessed and determined in the manner in this Act provided, shall be made in respect of any damage or injury caused to the property or rights of any person in carrying out any operations under the provisions of this section within any local area notified under section 3, but no such compensation shall be payable in respect of anything done under the said provisions within the limits of any local area notified under section 9.

Inquiry into claims and award of compensation.

Inquiries into claims and awards thereupon.

14. (*1*) The Deputy Commissioner shall—

(*a*) fix a date for the inquiry into all claims made under section 8 or section 13, and may, in his discretion, from time to time, adjourn the inquiry to a date to be fixed by him;

(*b*) record in writing all statements made under section 8;

(*c*) inquire into all claims duly preferred under section 8 or section 13; and

(*d*) make an award upon each such claim, setting out therein the nature and extent of the right claimed, the person or persons making such claim, the extent (if any) to which, and the person or persons in favour of whom, the right claimed is established, the extent to which it is to be restricted or extinguished, and the nature and amount of the compensation (if any) he awards in respect thereof.

India Act XIV of 1882.

(*2*) For the purposes of every such inquiry the Deputy Commissioner may exercise all or any of the powers of a Civil Court in the trial of suits under the Code of Civil Procedure.

India Act I of 1894, section 12 (2).

(*3*) The Deputy Commissioner shall announce his award to such persons interested or making any claims as are present or are represented before him when the award is announced, and shall record the acceptance of those who accept it. To those of such persons as are not so present the Deputy Commissioner shall cause immediate notice of his award to be given.

Method of awarding compensation and effect of such award.

India Act I of 1894, section 15.

15. (*1*) In determining the amount of compensation, the Deputy Commissioner shall be guided so far as may be by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894, and, as to matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case.

India Act I of 1894, sections 23 and 24.

(*2*) The Deputy Commissioner may, with the sanction of the Local Government, instead of awarding a money compensation in respect of any land, make any arrangement with any person having any right, title or interest therein, either by the grant to such person of a similar right, title or interest in other land in exchange therefor, or by the remission of land revenue on other land held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned, and every arrangement so made shall have the effect of an award made under section 14.

(*3*) If, in any case, the exercise of any right is prohibited for a time only, compensation shall be awarded only in respect of the period during which the exercise of such right is so prohibited.

(*4*) When compensation has been awarded, or when no compensation is claimed, in respect of any right the exercise of which has been prohibited absolutely and in perpetuity, such right shall vest absolutely in the Government and shall not revive or be revived in favour of any person entitled thereto or interested therein or his legal representative in interest upon or by reason of the rescission of the notification or proclamation affecting the area in which it originally existed.

Procedure, Records and Appeal.

Record-of-rights in respect of notified areas.

16. (*1*) For every area notified under section 3 or section 9, the Deputy Commissioner shall prepare a record of the nature, description, local situation and extent of all rights of the kinds mentioned in section 7—

(*a*) existing within such area at the time of the publication of the notification relating thereto under section 3 or section 9;

(*b*) regulated, restricted, suspended or extinguished under any general or special order relating to such area made under section 4 or section 5.

(2) When any award is made under section 14, its effect upon all or any of the rights entered in the record shall be recorded therein.

Mode of proclaiming notifications, and of serving notices, orders and processes, issued under the Act.

17. (1) Upon the publication in the Gazette of a notification issued under any of the provisions of this Act, the Deputy Commissioner shall cause public notice of the substance of the provisions thereof to be given at convenient places in the locality to which such notification relates.

India Act XVII of 1887.

(2) The procedure as to the mode of service of or making known notices, orders, proclamations or processes prescribed in sections 20, 21 and 22 of the Punjab Land-Revenue Act, 1887, shall, as far as may be, be observed in proceedings under this Act.

Appeal, review and revision.

India Act XVII of 1887, sections 13—16.

18. Every order, other than an order passed under sub-section (2) of section 9 or sub-section (1) of section 12, passed and every award made by a Deputy Commissioner under this Act, shall, for the purposes of appeal, review and revision, respectively, be deemed to be the order of a Collector within the meaning of sections 13, 14, 15 and 16 of the Punjab Land-Revenue Act, 1887, and shall be subject to appeal, review and revision, as the case may be, in manner in those sections of the said Act in that behalf made and provided and not otherwise:

Provided that nothing in this Act contained shall be deemed to affect in any way the jurisdiction of any Civil Court to decide any dispute arising between the persons interested in any compensation awarded under section 14, as to the apportionment or distribution thereof amongst such persons or any of them.

Penalties, bar of suits and rules.

Penalty for offences.

19. Any person who, within the limits of any local area notified under section 3 commits any breach of any regulation made, or restriction or prohibition imposed under section 4 or section 5, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Application of provisions of Act VII of 1878.

India Act VII of 1878.

20. The provisions of sections 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63 (excluding the last sentence), 64, 65, 66, 67 and 72 of the Indian Forests Act, 1878, shall, so far as applicable, be read as part of this Act, and, for the purposes of those provisions, every offence punishable under section 19 shall be deemed to be a "forest offence," and every officer employed in the management of any area notified under section 3, as caretaker or otherwise, shall be deemed to be a Forest-officer.

Bar of suits.

21. No suit shall lie against the Secretary of State for India in Council, or the Government, for anything done under this Act, and no suit shall lie against any public servant for anything done or purporting to have been done by him, in good faith, under this Act.

Power to make rules.

22. (1) The Local Government may make rules, consistent with this Act,—

(a) regulating the procedure to be observed in any inquiry or proceeding under this Act; and

(b) generally for the purpose of carrying into effect all or any of the provisions of this Act.

(2) All rules made under this section shall be published in the Gazette.

STATEMENT OF OBJECTS AND REASONS.

IN consequence of the destruction of the undergrowth and forests on the Siwálik mountain range the surface soil has been largely washed away from the high-lands by rains, and the injurious action of mountain torrents and streams on the low-lands has been greatly increased. The fertile plains below the water-shed of the Siwálik range are being damaged and deteriorated by erosion, deposits of sand and boulders, and sand-drift. The injury done to the rich region of the Jullundur Doáb by what are known as *chos* (torrent beds) has caused much anxiety to the Government for many years.

It is now for the first time that any attempt has been made to appraise by figures and statistics the damage caused to Government and to the people by these destructive torrents. The following summary may be quoted from the Financial Commissioner's letter:—

"During the last period of 10 to 12 years, on account of the action of the *chos* in Hoshiárpur and Jullundur, 16,650 acres of land have been converted into *cho* beds or have totally lost their productive powers while 23,260 acres in addition have been damaged. Government has remitted Rs. 11,855 land revenue, and has in addition suffered, or is about to suffer, by reductions in the rent-rolls of the two districts an annual loss of Rs 34,729 land revenue, while the people have lost at a low estimate over 20 lakhs of rupees in the market value of their land. As things are, there is no hope of reclamation or any recovery of these losses. The destructive influence of the *chos* is extending and becoming stronger. To leave out of account the great damage that would follow the blocking up of the East Beyn, the direct damage by *chos* in the next 20 or 30 years is likely to be proportionately much more serious and extensive than that which has occurred in the past 10 or 12 years. The capitalised value of the annual land revenue which Government must lose in the near future, if nothing is done, amounts to many lakhs of rupees."

A stronger case for action can hardly be required.

Up to the present the difficulty of cost has defeated proposals aimed at the reboisement of the hills from which the *chos* originate, and this was because the proposals have been directed to the out-and-out acquisition on behalf of Government of the areas to be treated. It will be seen that the measures now recommended involve no acquisition of land, outside the actual beds of streams and torrents, on behalf of Government, but are designed to secure the application of forest conservancy to areas belonging to the zamíndárs. Doubtless this was the very object with which Chapter VI of the Forest Act was framed, but that chapter fails in its object in the circumstances of the present case. The procedure of Section 35 must be put aside because, if resorted to for over three years, as would be necessary in the present case, Government may be compelled to acquire and pay for the areas subjected to Forest conservancy. The procedure of Section 38 also fails, because it makes no provision for cases, such as we have in Hoshiárpur, in which the zamíndárs' ownership of the forests is subject to rights of tenants and others which cannot be assigned away or interfered with without the consent of the latter. Moreover, even if the owners were competent to assign to Government full control over the forests to the extent of allowing them to be reserved, it would be necessary, in the process of reservation, to make adequate provision elsewhere for pasture rights, and such provision Government cannot make in this locality.

What is required, therefore, is an Act which will enable Government, on payment of reasonable compensation, to extinguish pasture and wood-cutting rights and rights to break up new land for cultivation in forest areas which are not the property of Government and to prevent the further growth of such rights, and with this object the present Bill has been framed. The operative clauses, it will be seen, are clauses 4, 5 and 9. Clauses 4 and 5 provide, for (1) general prohibitions and restrictions contemplated as applicable to entire notified areas and (2) more stringent prohibitions and restrictions contemplated as applicable to special limited areas. Clause 7 is designed to prevent the growth of new rights within areas to which clause 4 or clause 5 is applied. All the remaining clauses of the Bill may be described as procedure clauses. As regards clauses 9—11, it is to be noted that they are intended to apply to the *cho* beds in the plains, where the destruction of land, crops and property occurs, and not to the *cho* sources in the hills where the restrictions contemplated by clauses 4 and 5 will be applied. When the proposals which have led to the present Bill were being initiated, the Financial Commissioner was requested to consider whether the land-holders in the plains who would be benefited, or at any rate protected from further loss, by the measures proposed to be undertaken, should not be called upon to contribute towards the cost of these measures incurred by Government. The benefit in this case is not accompanied by any of the restrictions usually entailed by forest conservancy as it is the residents of the hills and not the zamíndárs in the plains who will, as above explained, be affected by these restrictions. The Financial Commissioner arrived at the conclusion, in which the Lieutenant-Governor concurred, that no scheme for levying a contribution would be feasible or could be worked with justice and without great inconvenience. A suggestion was, however, made and has been embodied in clauses 9—11 of the Bill, that the land-holders of the plains might with justice be required to surrender to Government their proprietary rights in the sandy *cho* beds. These *cho* beds are worthless at present and if nothing is done will always remain worthless. It is believed that in many cases the measures to prevent erosion and promote tree growth in the hills might with advantage be supplemented by experiments in the *cho* beds themselves of the nature of grass-planting operations, protection from grazing and possibly training works, and to carry out any such experiments Government should have not only a free field of action but also the inducement that the land reclaimed in the *cho* beds shall become the property of the State. In this way only will it be possible to exact any contribution from the persons benefited by the Bill. The original proposal as above described has been modified in the present draft of the Bill by providing for the land-holders being first given an opportunity of carrying out measures of reclamation themselves, and in any case the operation of the clauses under consideration will be confined to such areas within the *cho* beds as are neither cultivated nor culturable.

H. C. FANSHAWE,

The 16th August 1899. *Member.*

E. W. PARKER,

Secretary to the Legislative Council of the Punjab.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Second publication.]

THE following Bill was introduced in the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations, on the 16th August 1899 :—

Bill No. II of 1899.

A Bill to regulate the period of limitation of suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab.

AN ACT to regulate the period of limitation of suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab.

WHEREAS it is expedient more clearly to prescribe the period of limitation applicable to certain suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab :

It is hereby enacted as follows :—

Short title, local extent and commencement.

1. (*1*) This Act may be called the Punjab Limitation (Ancestral Land Alienation) Act, 1899 ;

(*2*) It shall extend to the whole of the Punjab ; and

(*3*) It shall come into force at once.

India Act XV of 1877, Section 4.

Dismissal of suits of the descriptions specified in the Act if instituted after the period of limitation therein prescribed has expired.

2. Subject to the provisions contained in sections five to twenty-five (inclusive) of the Indian Limitation Act, 1877, and notwithstanding anything to the contrary in the second schedule of the same Act contained, every suit of any description specified in the schedule annexed to this Act, instituted after the period of limitation prescribed therefor in the same schedule, shall be dismissed, although limitation has not been set up as a defence.

Meaning of expression "instituted."

3. For the purposes of this Act, the expression "instituted" shall have the same meaning as that assigned to it in the explanation to section 4 of the Indian Limitation Act, 1877. India Act XV of 1877.

Schedule.

Description of suit.	Period of limitation.	Time from which period begins to run.
1. Suit under the Customary Law of the Punjab, by a reversioner of a male proprietor, to have an alienation of ancestral land made by such proprietor declared void, except for the life of the alienor.	12 years	The date of the alienation.
2. Suit by the heir of a male proprietor governed by the Customary Law of the Punjab to recover possession of ancestral land alienated by such proprietor during his lifetime:		
(*1*) if the alienor die after this Act comes into force;	12 years	(*a*) If a declaratory decree has been obtained—the date of the alienor's death. *Explanation.*—It is immaterial whether the declaratory decree was obtained by the plaintiff or any other reversioner. (*b*) If no declaratory decree has been obtained—when the alienee takes possession.
(*2*) if the alienor shall have died before this Act comes into force.	12 years	The date of the alienor's death.

STATEMENT OF OBJECTS AND REASONS.

It was formerly the general belief that twelve years' actual possession gave a good title to the holder of ancestral land acquired from an owner governed by the Customary Law of the Province. This belief was shaken by the decision of the Chief Court, published as Punjab Record No. 18 of 1895, which established the principle that the period of limitation for a suit by the next heir for possession of land alienated by the last male owner is twelve years from the date of that owner's death, and not from the date of the alienation or from the taking of actual possession by the alienee. As an owner may long survive his alienation of ancestral land, the perfecting of the alienee's title may under this rule be indefinitely deferred; and the Judges of the Court drew the attention of Sir Dennis Fitzpatrick to the general unsettling of titles hitherto believed secure which was the consequence of the decision, and suggested the desirability of legislation to place the law upon the basis on which it had previously been believed to stand. The present Bill is the outcome of the consideration of the subject by the Government.

In the case of alienors who have died prior to the date of its enactment, it has been thought desirable to lay down in the enactment expressly what the period of limitation is in such cases, namely, twelve years from the death of the alienor, as ruled by the Punjab Chief Court.

MADAN GOPAL,

The 16th August 1899. *Member.*

E. W. PARKER,

Secretary to the Legislative Council of the Punjab.

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PUNJAB AND ITS DEPENDENCIES.

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PART V.—A.

Bills introduced in the Council of the Lieutenant-Governor of the Punjab for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 18 (of the Rules for the Conduct of Business at Meetings of the Council).

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Third publication.]

THE following Bill was introduced in the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations, on the 16th August 1899:—

Bill No. I of 1899.

A Bill to provide for the better preservation and protection of certain portions of the territories of the Punjab situate within or adjacent to the Siwálik *mountain range or affected or liable to be affected by the action of streams and torrents, such as are commonly called* chos, *flowing through or from, or by the deboisement of forests within, that range.*

AN ACT to provide for the better preservation and protection of certain portions of the territories of the Punjab situate within or adjacent to the *Siwálik* mountain range or affected or liable to be affected by the action of streams and torrents, such as are commonly called *chos,* flowing through or from, or by the deboisement of forests within, that range.

WHEREAS it is expedient to provide for the better preservation and protection of certain portions of the territories of the Punjab situate within or adjacent to the *Siwálik* mountain range or affected or liable to be affected by the action of streams and torrents, such as are commonly called *chos,* flowing through or from, or by the deboisement of forests within, that range:

It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Punjab Land Preservation (*Chos*) Act, 1899; and

(*2*) It shall come into force at once.

Definitions.

2. In this Act, unless a different intention appears from the subject or context,—

(*a*) the expression "land" means land within any local area preserved and protected or otherwise dealt with in manner in this Act provided, and includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth; India Act I of 1894, section 3 (*a*).

(*b*) the expression "*cho*" means a stream or torrent flowing through or from the *Siwâlik* mountain range within the Punjab ;

India Act VII of 1878, section 2.

(*c*) the expressions "tree," "timber," "forest produce" and "cattle," respectively, shall have the meanings severally assigned thereto in section 2 of the Indian Forests Act, 1878 ;

India Act I of 1894, section 3 (*b*).

(*d*) the expression "person interested" includes all persons claiming any right to or interest in compensation to be made on account of measures taken under this Act for the better preservation and protection of any local area ; and

Punjab Act I of 1898, section 2 (14); India Act I of 1894, section 3 (*c*).

(*e*) the expression "Deputy Commissioner" includes any officer or officers at any time specially appointed by the Local Government to perform the functions of a Deputy Commissioner under this Act.

Notification and regulation of Areas.

Notification of areas.

3. (*1*) Whenever it appears to the Local Government that it is desirable to provide for the better preservation and protection of any local area, situate within or adjacent to the *Siwâlik* mountain range or affected or liable to be affected by the deboisement of forests in that range or by the action of *chos*, such Government may, by notification, make a direction accordingly.

Cf. section 14, Act X of 1897.

(*2*) The Local Government may, at any time, by like notification, add to, amend, vary or rescind any notification made under sub-section (*1*).

India Act VII of 1878, sections 29 und 31.

Power to regulate, restrict or prohibit, by *general* or *special* order, within notified areas, certain matters.

4. The Local Government may, by general or special order, either for a period to be specified in the order, or until further orders, or absolutely and in perpetuity, regulate, restrict or prohibit, in respect of areas notified under section 3 generally, or of the whole or any part of any such area, all or any of the following things, namely :—

(*a*) the cultivating, or the clearing or breaking up for cultivation or any other purpose, of land not ordinarily under cultivation prior to the publication of the notification under section 3 ;

(*b*) the quarrying of stone or lime, or the burning of lime, at places where such stone or lime had not ordinarily been so quarried or burnt prior to the publication of the notification under section 3 ;

(*c*) the cutting of trees, timber or wood, or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (*b*) of this sub-section, of any forest-produce other than grass, save for the *bonâ fide* domestic or agricultural purposes of the inhabitants ;

(*d*) the setting on fire of grass, stubble, brushwood or trees ;

(*e*) the admission, herding, pasturing or retention of sheep or goats ;

(*f*) the examination of forest-produce passing out of any such area, and

(*g*) the granting of permits to the inhabitants of towns and villages situate within the limits or in the vicinity of any such area to take trees, timber or other forest-produce for their own use therefrom, or to pasture sheep or goats or to cultivate or erect buildings therein, and the production and return of such permits by such persons.

Ibid.

Power, in certain cases, to regulate, restrict or prohibit, by special order, within notified areas, certain further matters.

5. The Local Government may, by special order, either for a period to be specified in the order or until further orders, regulate, restrict or prohibit, in respect of any specified village or villages or part or parts thereof comprised within the limits of any area notified under section 3, all or any of the following things, namely :—

(*a*) the cultivating of any land ordinarily under cultivation prior to the publication of the notification under section 3 ;

(*b*) the quarrying of any stone or lime or the burning of any lime at places where such stone or lime had ordinarily been so quarried or burnt prior to the publication of the notification under section 3

(*c*) the cutting of trees, timber or wood, or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (*b*) of this sub-section, of any forest-produce for the *bonâ fide* domestic or agricultural purposes of the inhabitants ; and

(*d*) the admission, herding, pasturing or retention of cattle generally, other than sheep and goats, or of any class or description of such cattle.

Necessity for regulation, restriction or prohibition to be recited in the order under section 4 or 5. Publication of order.

6. Every order made under section 4 or section 5, shall be published in the Gazette and shall set forth that the Local Government is satisfied, after due inquiry, that the regulations, restrictions or prohibitions contained in the order are necessary for the purpose of giving effect to the provisions of this Act.

Act VII of 1878, section 5.

Bar to accrual of new rights after issue of notification.

7. After the publication of a notification under section 3, and so long as any such notification shall remain in force, no right to—

(*a*) clear or break up land for cultivation or any other purpose;

(*b*) cultivate or build on land;

(*c*) quarry stone or burn lime or charcoal or cut trees, timber, wood or grass;

(*d*) subject to any manufacturing process, or collect or remove, any forest-produce;

(*e*) admit, herd, pasture, or retain cattle of any description,

or the like, shall be acquired in or over land situate within the limits of the area to which such notification relates, otherwise than by the operation of the law or custom of succession, or by private contract or grant, in writing, made in accordance with law, from a person in whom, at the time of the publication of the notification or (if more than one) the first of the notifications applicable to such area, such right was lawfully vested, or his successor in interest.

India Act VII of 1878, section 6.

Proclamation of regulations, restrictions and prohibitions and admission of claims for compensation for rights which are restricted or extinguished.

8. (*1*) When, in respect of any local area, a notification is published under section 3, and—

(*a*) upon such publication any general order made under section 4, becomes applicable to such area, or

(*b*) any special order under section 4 or section 5, is made in respect of such area,

the Deputy Commissioner shall cause public notice of the provisions of such general or special order to be given, and, if the provisions of any such order restrict or extinguish any existing rights, shall also publish, in the language of the country, in every town and village the boundaries of which include any portion of the area within or over which any such rights are so restricted or extinguished, a proclamation stating the regulations, restrictions and prohibitions which have been imposed, by any such order, within the limits of such area or in any part or parts thereof.

(*2*) The Deputy Commissioner shall, in the proclamation issued under sub-section (*1*),—

(*a*) fix a period of not less than three months from the date of such proclamation; and

(*b*) require every person desiring to claim any compensation in respect of any right so restricted or prohibited, within such period either to present to such officer a written notice specifying, or to appear before him and state, the nature and extent of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

(*3*) All claims to compensation made within the time fixed under sub-section (*2*), in any proclamation made under sub-section (*1*), shall be inquired into and dealt with in manner hereinafter in this Act provided for inquiry into claims and award of compensation.

(*4*) No compensation shall be payable in respect of any rights in regard to which no claim has been preferred within the time allowed in any proclamation made under sub-section (*1*):

Provided that the Local Government or any officer authorised by it in this behalf, may, for any sufficient reason, direct, in respect of any right a claim to which has not been made within such period, that it may be inquired into and dealt with as if such claim had been made within such period, and, upon any such direction being given, such claim shall be inquired into and dealt with accordingly.

Control over the beds of Chos.

Action when Local Government considers it desirable to take measures to regulate the beds of *chos*. Vesting of such beds in the Government.

9. (*1*) Whenever it appears to the Local Government that it is desirable that measures should be taken in the bed of any *cho* for the purpose of—

(*a*) regulating the flow of water within and preventing the widening or extension of such bed, or of

(*b*) reclaiming or protecting any land situate within the limits of such bed from the action of the stream or torrent flowing or liable to flow therein,

such Government may, either at once proceed

in manner in sub-section (*2*) provided, or, in the first instance, by notification specifying the nature and extent of the measures to be taken and the locality in and the time within which such measures are to be so taken, require all persons possessing proprietary or occupancy rights in land situate in such locality to themselves carry out such measures within the time specified in that behalf in such notification.

(*2*) In the event of any of the owners or occupiers of the bed of any *cho* failing to comply with the requirements of any notification issued under sub-section (*1*), or if the whole or any part of the bed of any *cho* be unclaimed or lying waste, or, if, in the opinion of the Local Government, the measures deemed necessary under sub-section (*1*) are of such a character, in regard to extent and cost, that the interference of the Local Government is absolutely necessary, such Government may, by notification, declare that the whole or any part of the area comprised within the limits of the bed of any *cho* shall vest in the Government either absolutely and in perpetuity or for such period as may be specified in the notification :

Provided that no such declaration shall be made in respect of or shall affect any land included within the limits of the bed of any such *cho*, which, at the date of the publication of the notification making such declaration, is cultivated or culturable :

Provided, further, that the decision of the Deputy Commissioner as to whether any land is or is not so cultivated or culturable, shall be final and conclusive and shall not be called in question in any Court of law.

(*3*) The Local Government may from time to time, by like notification, extend the period during which any such area shall remain vested in the Government.

Effect of notification to suspend or extinguish private rights in the area notified under section 9.

10. Upon the making of any declaration under sub-section (*2*) of section 9, all private rights of whatever kind, existing in or relating to any land comprised within the area specified in the notification containing such declaration at the time of the publication thereof, shall—

(*a*) if no period is specified in such declaration—cease and determine absolutely ;

(*b*) if any period is specified in such declaration—be suspended for such period and for such further period (if any) to which such period may at any time be extended.

Bar of compensation for rights in the bed of any *cho* when vested in the Government.

11. No person shall be entitled to any payment or compensation in respect of any right, whether of ownership, tenancy, easement or otherwise, in or over any land comprised within the area of the bed of any *cho* vested in the Government by a declaration under sub-section (*2*) of section 9 whether such right shall have been suspended for a time only or determined absolutely in manner therein provided ; but upon the expiry of the period (if any) for which any such rights shall have been so suspended, such rights shall revive and be restored to the persons severally entitled thereto according to law.

Power of Deputy Commissioner to delimit the bed and to decide what constitutes such bed. Power to take possession of bed when vested in the Government. Bar of compensation for acts done under this section.

12. (*1*) The Deputy Commissioner shall, for the purposes of every notification issued under sub-section (*2*) of section 9, fix the limits of the area comprised within the bed of the *cho* to which such notification is to apply, and the decision of the Deputy Commissioner as to what does or does not, as the case may be, constitute the bed of any *cho* and as to the limits of any such area or bed, shall be final and shall not be called in question in any Court of law.

(*2*) Upon the publication of a notification containing any declaration under sub-section (*2*) of section 9, it shall be lawful for the Deputy Commissioner to—

(*a*) enter upon and take possession of the area specified in such declaration ;

(*b*) eject all persons therefrom ; and to

(*c*) deal with such area, while it remains vested in the Government, as if it were the absolute property of Government.

(*3*) No person shall at any time be entitled to any payment or compensation for anything done, or purporting to have been done, in exercise of any power by this section conferred.

Power to enter upon and delimit notified areas and beds.

Power to enter upon, survey and demarcate local areas notified under section 3 or section 9.

13. It shall be lawful for the Deputy Commissioner and for his subordinate officers, servants, care-takers and workmen, from time to time, as occasion may require,—

(*a*) to enter upon and survey any land comprised within any local area in regard to which any notification is issued under section 3 or section 9 of this Act ;

(*b*) to erect bench-marks on and to delimit and demarcate the boundaries of any such local area; and

(*c*) to do all other acts and things which may be necessary in order adequately to delimit, map out and enclose or preserve or protect the land comprised within any such local area or to give effect to all or any of the provisions of any such notification therein:

Provided that reasonable compensation, to be from time to time assessed and determined in the manner in this Act provided, shall be made in respect of any damage or injury caused to the property or rights of any person in carrying out any operations under the provisions of this section within any local area notified under section 3, but no such compensation shall be payable in respect of anything done under the said provisions within the limits of any local area notified under section 9.

Inquiry into claims and award of compensation.

Inquiries into claims and awards thereupon.

14. (*1*) The Deputy Commissioner shall—

(*a*) fix a date for the inquiry into all claims made under section 8 or section 13, and may, in his discretion, from time to time, adjourn the inquiry to a date to be fixed by him;

(*b*) record in writing all statements made under section 8;

(*c*) inquire into all claims duly preferred under section 8 or section 13; and

(*d*) make an award upon each such claim, setting out therein the nature and extent of the right claimed, the person or persons making such claim, the extent (if any) to which, and the person or persons in favour of whom, the right claimed is established, the extent to which it is to be restricted or extinguished, and the nature and amount of the compensation (if any) he awards in respect thereof.

India Act XIV of 1882.

(*2*) For the purposes of every such inquiry the Deputy Commissioner may exercise all or any of the powers of a Civil Court in the trial of suits under the Code of Civil Procedure.

India Act I of 1894, section 12 (2).

(*3*) The Deputy Commissioner shall announce his award to such persons interested or making any claims as are present or are represented before him when the award is announced, and shall record the acceptance of those who accept it. To those of such persons as are not so present the Deputy Commissioner shall cause immediate notice of his award to be given.

Method of awarding compensation and effect of such award.

India Act I of 1894, section 15.

15. (*1*) In determining the amount of compensation, the Deputy Commissioner shall be guided so far as may be by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894, and, as to matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case.

India Act I of 1894, sections 23 and 24.

(*2*) The Deputy Commissioner may, with the sanction of the Local Government, instead of awarding a money compensation in respect of any land, make any arrangement with any person having any right, title or interest therein, either by the grant to such person of a similar right, title or interest in other land in exchange therefor, or by the remission of land revenue on other land held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned, and every arrangement so made shall have the effect of an award made under section 14.

(*3*) If, in any case, the exercise of any right is prohibited for a time only, compensation shall be awarded only in respect of the period during which the exercise of such right is so prohibited.

(*4*) When compensation has been awarded, or when no compensation is claimed, in respect of any right the exercise of which has been prohibited absolutely and in perpetuity, such right shall vest absolutely in the Government and shall not revive or be revived in favour of any person entitled thereto or interested therein or his legal representative in interest upon or by reason of the rescission of the notification or proclamation affecting the area in which it originally existed.

Procedure, Records and Appeal.

Record-of-rights in respect of notified areas.

16. (*1*) For every area notified under section 3 or section 9, the Deputy Commissioner shall prepare a record of the nature, description, local situation and extent of all rights of the kinds mentioned in section 7—

(*a*) existing within such area at the time of the publication of the notification relating thereto under section 3 or section 9;

(*b*) regulated, restricted, suspended or extinguished under any general or special order relating to such area made under section 4 or section 5.

(2) When any award is made under section 14, its effect upon all or any of the rights entered in the record shall be recorded therein.

Mode of proclaiming notifications, and of serving notices, orders and processes, issued under the Act.

17. (1) Upon the publication in the Gazette of a notification issued under any of the provisions of this Act, the Deputy Commissioner shall cause public notice of the substance of the provisions thereof to be given at convenient places in the locality to which such notification relates.

India Act XVII of 1887.

(2) The procedure as to the mode of service of or making known notices, orders, proclamations or processes prescribed in sections 20, 21 and 22 of the Punjab Land-Revenue Act, 1887, shall, as far as may be, be observed in proceedings under this Act.

India Act XVII of 1887, sections 13—16.

Appeal, review and revision.

18. Every order, other than an order passed under sub-section (2) of section 9 or sub-section (1) of section 12, passed and every award made by a Deputy Commissioner under this Act, shall, for the purposes of appeal, review and revision, respectively, be deemed to be the order of a Collector within the meaning of sections 13, 14, 15 and 16 of the Punjab Land-Revenue Act, 1887, and shall be subject to appeal, review and revision, as the case may be, in manner in those sections of the said Act in that behalf made and provided and not otherwise:

Provided that nothing in this Act contained shall be deemed to affect in any way the jurisdiction of any Civil Court to decide any dispute arising between the persons interested in any compensation awarded under section 14, as to the apportionment or distribution thereof amongst such persons or any of them.

Penalties, bar of suits and rules.

Penalty for offences.

19. Any person who, within the limits of any local area notified under section 3 commits any breach of any regulation made, or restriction or prohibition imposed under section 4 or section 5, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Application of provisions of Act VII of 1878.

India Act VII of 1878.

20. The provisions of sections 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63 (excluding the last sentence), 64, 65, 66, 67 and 72 of the Indian Forests Act, 1878, shall, so far as applicable, be read as part of this Act, and, for the purposes of those provisions, every offence punishable under section 19 shall be deemed to be a "forest offence," and every officer employed in the management of any area notified under section 3, as caretaker or otherwise, shall be deemed to be a Forest-officer.

Bar of suits.

21. No suit shall lie against the Secretary of State for India in Council, or the Government, for anything done under this Act, and no suit shall lie against any public servant for anything done, or purporting to have been done, by him, in good faith, under this Act.

Power to make rules.

22. (1) The Local Government may make rules, consistent with this Act,—

(a) regulating the procedure to be observed in any inquiry or proceeding under this Act; and

(b) generally for the purpose of carrying into effect all or any of the provisions of this Act.

(2) All rules made under this section shall be published in the Gazette.

STATEMENT OF OBJECTS AND REASONS.

IN consequence of the destruction of the undergrowth and forests on the Siwálik mountain range the surface soil has been largely washed away from the high-lands by rains, and the injurious action of mountain torrents and streams on the low-lands has been greatly increased. The fertile plains below the water-shed of the Siwálik range are being damaged and deteriorated by erosion, deposits of sand and boulders, and sand-drift. The injury done to the rich region of the Jullundur Doáb by what are known as *chos* (torrent beds) has caused much anxiety to the Government for many years.

It is now for the first time that any attempt has been made to appraise by figures and statistics the damage caused to Government and to the people by these destructive torrents. The following summary may be quoted from the Financial Commissioner's letter :—

"During the last period of 10 to 12 years, on account of the action of the *chos* in Hoshiárpur and Jullundur, 16,650 acres of land have been converted into *cho* beds or have totally lost their productive powers while 23,260 acres in addition have been damaged. Government has remitted Rs. 11,855 land revenue, and has in addition suffered, or is about to suffer, by reductions in the rent-rolls of the two districts an annual loss of Rs. 34,729 land revenue, while the people have lost at a low estimate over 20 lakhs of rupees in the market value of their land. As things are, there is no hope of reclamation or any recovery of these losses. The destructive influence of the *chos* is extending and becoming stronger. To leave out of account the great damage that would follow the blocking up of the East Beyn, the direct damage by *chos* in the next 20 or 30 years is likely to be proportionately much more serious and extensive than that which has occurred in the past 10 or 12 years. The capitalised value of the annual land revenue which Government must lose in the near future, if nothing is done, amounts to many lakhs of rupees."

A stronger case for action can hardly be required.

Up to the present the difficulty of cost has defeated proposals aimed at the reboisement of the hills from which the *chos* originate, and this was because the proposals have been directed to the out-and-out acquisition on behalf of Government of the areas to be treated. It will be seen that the measures now recommended involve no acquisition of land, outside the actual beds of streams and torrents, on behalf of Government, but are designed to secure the application of forest conservancy to areas belonging to the zamíndárs. Doubtless this was the very object with which Chapter VI of the Forest Act was framed, but that chapter fails in its object in the circumstances of the present case. The procedure of Section 35 must be put aside because, if resorted to for over three years, as would be necessary in the present case, Government may be compelled to acquire and pay for the areas subjected to Forest conservancy. The procedure of Section 38 also fails, because it makes no provision for cases, such as we have in Hoshiárpur, in which the zamíndárs' ownership of the forests is subject to rights of tenants and others which cannot be assigned away or interfered with without the consent of the latter. Moreover, even if the owners were competent to assign to Government full control over the forests to the extent of allowing them to be reserved, it would be necessary, in the process of reservation, to make adequate provision elsewhere for pasture rights, and such provision Government cannot make in this locality.

What is required, therefore, is an Act which will enable Government, on payment of reasonable compensation, to extinguish pasture and wood-cutting rights and rights to break up new land for cultivation in forest areas which are not the property of Government and to prevent the further growth of such rights, and with this object the present Bill has been framed. The operative clauses, it will be seen, are clauses 4, 5 and 9. Clauses 4 and 5 provide, for (1) general prohibitions and restrictions contemplated as applicable to entire notified areas and (2) more stringent prohibitions and restrictions contemplated as applicable to special limited areas. Clause 7 is designed to prevent the growth of new rights within areas to which clause 4 or clause 5 is applied. All the remaining clauses of the Bill may be described as procedure clauses. As regards clauses 9—11, it is to be noted that they are intended to apply to the *cho* beds in the plains, where the destruction of land, crops and property occurs, and not to the *cho* sources in the hills where the restrictions contemplated by clauses 4 and 5 will be applied. When the proposals which have led to the present Bill were being initiated, the Financial Commissioner was requested to consider whether the land-holders in the plains who would be benefited, or at any rate protected from further loss, by the measures proposed to be undertaken, should not be called upon to contribute towards the cost of these measures incurred by Government. The benefit in this case is not accompanied by any of the restrictions usually entailed by forest conservancy as it is the residents of the hills and not the zamíndárs in the plains who will, as above explained, be affected by these restrictions. The Financial Commissioner arrived at the conclusion, in which the Lieutenant-Governor concurred, that no scheme for levying a contribution would be feasible or could be worked with justice and without great inconvenience. A suggestion was, however, made and has been embodied in clauses 9—11 of the Bill, that the land-holders of the plains might with justice be required to surrender to Government their proprietary rights in the sandy *cho* beds. These *cho* beds are worthless at present and if nothing is done will always remain worthless. It is believed that in many cases the measures to prevent erosion and promote tree growth in the hills might with advantage be supplemented by experiments in the *cho* beds themselves of the nature of grass-planting operations, protection from grazing and possibly training works, and to carry out any such experiments Government should have not only a free field of action but also the inducement that the land reclaimed in the *cho* beds shall become the property of the State. In this way only will it be possible to exact any contribution from the persons benefited by the Bill. The original proposal as above described has been modified in the present draft of the Bill by providing for the land-holders being first given an opportunity of carrying out measures of reclamation themselves, and in any case the operation of the clauses under consideration will be confined to such areas within the *cho* beds as are neither cultivated nor culturable.

H. C. FANSHAWE,

Member.

The 16th August 1899.

E. W. PARKER,

Secretary to the Legislative Council of the Punjab.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Third publication.]

THE following Bill was introduced in the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations, on the 16th August 1899 :—

Bill No. II of 1899.

A Bill to regulate the period of limitation of suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab.

AN ACT to regulate the period of limitation of suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab.

WHEREAS it is expedient more clearly to prescribe the period of limitation applicable to certain suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab :

It is hereby enacted as follows :—

Short title, local extent and commencement.

1. (*1*) This Act may be called the Punjab Limitation (Ancestral Land Alienation) Act, 1899;

(*2*) It shall extend to the whole of the Punjab ; and

(*3*) It shall come into force at once.

India Act XV of 1877, Section 4.

Dismissal of suits of the descriptions specified in the Act if instituted after the period of limitation therein prescribed has expired.

2. Subject to the provisions contained in sections five to twenty-five (inclusive) of the Indian Limitation Act, 1877, and notwithstanding anything to the contrary in the second schedule of the same Act contained, every suit of any description specified in the schedule annexed to this Act, instituted after the period of limitation prescribed therefor in the same schedule, shall be dismissed, although limitation has not been set up as a defence.

Meaning of expression "instituted."

3. For the purposes of this Act, the expression "instituted" shall have the same meaning as that assigned to it in the explanation to section 4 of the Indian Limitation Act, 1877. India Act XV of 1877.

Schedule.

Description of suit.	Period of limitation.	Time from which period begins to run.
1. Suit under the Customary Law of the Punjab, by a reversioner of a male proprietor, to have an alienation of ancestral land made by such proprietor declared void, except for the life of the alienor.	12 years	The date of the alienation.
2. Suit by the heir of a male proprietor governed by the Customary Law of the Punjab to recover possession of ancestral land alienated by such proprietor during his lifetime :		
(*1*) if the alienor die after this Act comes into force ;	12 years	(*a*) If a declaratory decree has been obtained—the date of the alienor's death. *Explanation.*—It is immaterial whether the declaratory decree was obtained by the plaintiff or any other reversioner. (*b*) If no declaratory decree has been obtained—when the alienee takes possession.
(*2*) if the alienor shall have died before this Act comes into force.	12 years	The date of the alienor's death.

STATEMENT OF OBJECTS AND REASONS.

IT was formerly the general belief that twelve years' actual possession gave a good title to the holder of ancestral land acquired from an owner governed by the Customary Law of the Province. This belief was shaken by the decision of the Chief Court, published as Punjab Record No. 18 of 1895, which established the principle that the period of limitation for a suit by the next heir for possession of land alienated by the last male owner is twelve years from the date of that owner's death, and not from the date of the alienation or from the taking of actual possession by the alienee. As an owner may long survive his alienation of ancestral land, the perfecting of the alienee's title may under this rule be indefinitely deferred; and the Judges of the Court drew the attention of Sir Dennis Fitzpatrick to the general unsettling of titles hitherto believed secure which was the consequence of the decision, and suggested the desirability of legislation to place the law upon the basis on which it had previously been believed to stand. The present Bill is the outcome of the consideration of the subject by the Government.

In the case of alienors who have died prior to the date of its enactment, it has been thought desirable to lay down in the enactment expressly what the period of limitation is in such cases, namely, twelve years from the death of the alienor, as ruled by the Punjab Chief Court.

MADAN GOPAL,

The 16th August 1899. *Member.*

E. W. PARKER,

Secretary to the Legislative Council of the Punjab.

Punjab Government Press, Lahore—14-9-99—705.

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PUNJAB AND ITS DEPENDENCIES.

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PART V.—A.

Bills introduced in the Council of the Lieutenant-Governor of the Punjab for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 18 (of the Rules for the Conduct of Business at Meetings of the Council).

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

THE following Report of the Select Committee on the Bill to regulate the period of limitation of suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab, was presented to the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations, on the 2nd of November 1899 :—

We, the undersigned, Members of the Select Committee to which the Bill to regulate the period of limitation of suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab, was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed hereto.

(1). Despatch from Her Majesty's Secretary of State for India, No. 33, dated 29th June 1899.
(2). Letter from Judicial and General Secretary, Punjab Government, No. 636 S., dated 31st July 1899.
(3). Letter to Government of India, No. 637 S., dated 31st July 1899.
(4). Letter from Secretary to Government of India, to the Judicial and General Secretary, Punjab Government, No. 1638 A, dated 15th August 1899.
(5). Opinion of the Hon'ble Mr. P. C. Chatterji, Judge, Chief Court, Punjab, dated 19th September 1899.

2. We attach a note, by the Hon'ble Member in charge of the Bill, explaining certain alterations which he made in the Bill as it stood when approved by the Government of India, before its introduction in the Council. We think the inclusion of this note in our report will be calculated to remove misunderstandings, more especially as we consider the alterations made were, subject to the further recommendations now submitted, desirable.

3. We think that the word "land" should be defined for the purposes of the proposed enactment and have added a sub-clause to clause 3 of the Bill providing that the definition of the expression given in Section 4 of the Punjab Tenancy Act, shall apply. This restricts the operation of the measure to ancestral agricultural land.

4. In the first entry of the first column of the Schedule, we have added the words "son or" before the word "reversioner," as recommended in the annexed note.

5. In the third column of the Schedule, opposite the first entry in the first column thereof, for the words "The date of the alienation," we have substituted provisions giving effect to a recommendation emanating from the Secretary of State for India in Council, which we think it desirable to adopt. According to this proposal the time from which the period of limitation will begin to run will be—

(*a*) the date of attestation of the entry (if any) made in the Register of Mutations;

(*b*) failing such attestation,—the date the alienee takes physical possession;

(*c*) failing (*a*) and (*b*), the date of the alienation.

6. Similarly, in the third column of the Schedule, opposite the second entry in the first column thereof, when no declaratory decree has been obtained, the time will begin to run as above, and when a declaratory decree has been obtained—from the date of the alienor's death.

7. We consider it altogether unnecessary to make any special provision with reference to cases where the alienor may have died before the proposed measure becomes law. The Bill does not effect any change in the law; it merely overrides an interpretation recently put, by the Chief Court, on the existing law, which it is undesirable to perpetuate. No one can, in our opinion, with any justice, complain of being required to conform to the law as it was consistently interpreted for many years. We understand that the Chief Court does not consider that there would be any hardship in letting the proposed law come into force at once and, therefore, any such provision as that contained in clause (*b*) of article 2 of the Schedule is unnecessary.

Seen ote by Sir M. Plowden.

8. The publication ordered by the Council has taken place as follows:—

In English—31st August and 7th and 14th September 1899.

In Urdu—21st and 28th September and 5th October 1899.

9. We consider that the Bill has been so altered as to require republication.

(Sd.) MADAN GOPAL.

Lahore, 19th October 1899. (Sd.) LOUIS W. DANE.

Note by the Hon'ble Mr. Madan Gopál.

WHEN the Bill was made over to my charge for introduction in the Council, I found it necessary to make certain alterations in the language of some of its provisions before formally introducing it. The alterations were as follows :—

1. In the title, short title and preamble, the word "land" was substituted for the word "property," as the Customary Law is applicable in the case of land only. The word "of" was substituted for the word "in" before the word "suits"; the word "the," before the word "ancestral," was omitted, and the word "by" was substituted for the word "of" before the word "persons," in both title and preamble.

2. In the first entry in the first column of the Schedule, the language was simplified without materially altering the sense The word "land" was substituted for the words "immoveable property"; the words "by a reversioner of" were added after the word "Punjab"; the last eleven words were omitted; and the words "to have an alienation" were transposed, so as to come after the word "proprietor," and the word "by," after the word "alienation," was omitted.

3. In the second entry in the first column of the Schedule, the word "land" was substituted for the words "immoveable property."

4. The wording of the explanation after clause (*a*), opposite the second entry in column three of the Schedule, was varied but not so as to alter the meaning.

The only change of any importance was that which related to the substitution of the word "land" for the words "property" and "immoveable property" wherever they occurred.

I have since observed that the substitution of the word "reversioner" for the phrase "by a person entitled under such law to contest the alienation," may be open to objection unless the words "son or" are prefixed to it.

So far as I am aware, the restrictions on alienation imposed by the Customary Law of the Province are limited to ancestral agricultural land.

MADAN GOPAL,

Member in Charge of the Bill.

BILL AS AMENDED BY SELECT COMMITTEE.

—

No. II of 1899.

A Bill to regulate the period of limitation of suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab.

WHEREAS it is expedient more clearly to prescribe the period of limitation applicable to certain suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab:

It is hereby enacted as follows:—

Short title, local extent and commencement.

1. (*1*) This Act may be called the Punjab Limitation (Ancestral Land Alienation) Act, 1899;

(*2*) It shall extend to the whole of the Punjab; and

(*3*) It shall come into force at once.

India Act XV of 1877, section 4.

Dismissal of suits of the descriptions specified in the Act if instituted after the period of limitation therein prescribed has expired.

2. Subject to the provisions contained in sections five to twenty-five (inclusive) of the Indian Limitation Act, 1877, and notwithstanding anything to the contrary in the second schedule of the same Act contained, every suit of any description specified in the schedule annexed to this Act, instituted after the period of limitation prescribed therefor in the same schedule, shall be dismissed, although limitation has not been set up as a defence.

3. For the purposes of this Act—

Meaning of the expressions "instituted" and "land," respectively.

(*a*) the expression "instituted" shall have the meaning assigned to it in the explanation to section 4 of the Indian Limitation Act, 1877; and

India Act XV of 1877.

(*b*) the expression "land" shall have the meaning assigned to it in clause (*1*) of section 4 of the Punjab Tenancy Act, 1887.

India Act XVII of 1887.

Schedule.

Description of suit.	Period of limitation.	Time from which period begins to run.
1. Suit under the Customary Law of the Punjab, by a son or reversioner of a male proprietor, to have an alienation of ancestral land made by such proprietor declared void, except for the life of the alienor.	12 years	(*a*) The date (if any) on which the alienation was attested, by the Revenue-officer having jurisdiction, in the Register of Mutations maintained under the Punjab Land Revenue Act, 1887; (*b*) or, if the alienation has not been so attested,—the date on which the alienee takes physical possession of the land alienated; (*c*) or, where the transfer is not accompanied by possession,—the date of the alienation.
2. Suit by the heir of a male proprietor governed by the Customary Law of the Punjab to recover possession of ancestral land alienated by such proprietor during his lifetime:	12 years	(*a*) If no declaratory decree has been obtained—as above; (*b*) if a declaratory decree has been obtained—the date of the alienor's death. *Explanation.*—It is immaterial whether the declaratory decree was obtained by the plaintiff or any other reversioner.

E. W. PARKER,

Secretary, to the Legislative Council of the Punjab.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

THE following Bill was introduced in the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations on the 2nd November 1899:

NO. III OF 1899.

A Bill to establish the title of the Government in land to be acquired for the purpose of colonising portions of the SIND-SAGAR DOAB.

WHEREAS it is expedient to establish the title of the Government in land to be acquired in connection with the making of a canal in the *Sind-Ságar Doáb* for the purpose of reclaiming and colonising certain tracts now lying waste in the said *Doáb*:

It is hereby enacted as follows:—

Short title, local extent and commencement.

1. (*1*). This Act may be called the *Sind-Ságar Doáb* Colonisation Act, 1899;

(*2*). It extends to the territories situate between the river Indus and the rivers Jhelum and Chenab, and lying within the limits of the Bannu, Dera Ismail Khan, Shahpur, Muzaffargarh and Jhang Districts, respectively, of the Punjab, and commonly known as the *Sind-Ságar Doáb*; and

(*3*). It shall come into force at once.

Interpretation clause.

2. In this Act, unless there is something repugnant in the subject or context,—

(*a*) the expression "land" means land which is not occupied as the site of any building in any town or village, and includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth; India Act I of 1894, Section 3.

(*b*) the expression "common land" means land owned jointly by the proprietary body of a village or sub-division of a village;

(*c*) the expression "land-owner" means a person who possesses proprietary rights in land and includes a co-sharer in or joint-owners of such rights;

(*d*) the expression "tenant" means a person having a right of occupancy in land or otherwise having a right to cultivate land, but who is not possessed of proprietary rights therein;

(*e*) the expression "right-holder" means any person, not being a land-owner or tenant, having any right, title or interest in land, and includes—

(*1*) cattle-owners having rights of grazing or pasture;

(*2*) melon cultivators entitled under the Settlement Record of Rights to cultivate melons in common land.

Entry into agreements to surrender rights in land to the Government.

3. Any person having, or claiming to have, any right, title or interest in any land, whether as land-owner, tenant or right-holder, may enter into an agreement, in manner hereinafter in this Act provided, to surrender the same to the Government upon the conditions applicable to such agreement.

Inquiry into title.

4. (*1*). When it is proposed to enter into an agreement, under Section 3, with any person, the Deputy Commissioner may inquire into and determine the right, title or interest of such person in the land which is to be the subject of the agreement.

(*2*). For the purposes of every such inquiry the Deputy Commissioner may exercise all the jurisdiction and all or any of the powers vested in a Collector under the Punjab Land-revenue Act, 1887, and the provisions of that Act shall, as far as may be, be applicable to all inquiries made under this section. India Act XVII of 1887.

Statements of conditions of agreements. Maintenance of Registers of agreements. Signing of entries in Registers.

5. (*1*). The Local Government may prescribe statements containing the conditions of agreements to be entered into under the provisions of Section 3, applicable to the surrender to the Government of the right, title and interest of land-owners, tenants and right-holders respectively: India Act III of 1893, Sections 4—6.

Provided that every statement of conditions so prescribed shall include the following conditions, namely—

(*a*) that the surrender under the agreement shall take effect on and from the date on which the work of constructing a canal in the *Sind-Ságar Doáb* is commenced by the Government;

(*b*) in the absence of an agreement to the contrary, that, when the canal is completed, the right, title or interest originally possessed by the person who surrendered the same to the Government in pursuance of such agreement, shall be restored, in an area not less in extent than one-fourth of the area of the land in or over which such right, title or interest originally subsisted, to the person by whom it was so surrendered or to his representative in interest.

(*2*). The Deputy Commissioner shall maintain a Register of Agreements in respect of each statement of conditions prescribed under sub-section (*1*). Every such register shall have prefixed thereto a copy of the statement of conditions to which it relates, and shall be in such form and shall contain such particulars, as to the agreements registered therein, as the Financial Commissioner may from time to time prescribe.

(*3*). When any agreement is entered into under the provisions of Section 3, the prescribed particulars relating thereto shall be duly entered in the appropriate register, and the entry shall be signed by the person surrendering the right, title or interest therein recorded, and by the Deputy Commissioner.

India Act III of 1893, Section 7.

Effect of entry in register when duly signed.

6. When any entry in any such register has been signed, as provided in sub-section (*3*) of Section 5, the person signing the same as land-owner, tenant or right-holder, as the case may be, shall, notwithstanding any law or custom to the contrary, be deemed to have agreed to surrender his right, title and interest in the land specified in the entry in the register relating to him, to the Government upon the conditions contained in the statement prefixed to the register.

Provision as to surrender of rights in common land when owners of not less than two thirds of the land agree.

7. (*1*). Whenever, in respect of any common land, land-owners possessing shares equal to not less than two-thirds of the whole of such land shall have agreed to surrender their rights to the Government by agreements entered into in manner in this Act provided, then, and in every such case, the right, title and interest in such common land of every person who has not entered into any such agreement, shall be deemed to be subject to a similar agreement to surrender the same to the Government in accordance with the conditions applicable to the case of each such person, accordingly as he is a land-owner, tenant or right-holder therein, and every such person shall be bound by the conditions contained in the statement of conditions prefixed to the register in which the Deputy Commissioner may, as hereinafter provided, enter his name.

(*2*). The declaration of the Deputy Commissioner that land-owners possessing shares equal to not less than two-thirds in any common land have agreed to surrender their rights therein to the Government shall be conclusive.

(*3*). Upon making any such declaration as is mentioned in sub-section (*2*) the Deputy Commissioner shall enter in the appropriate registers the names, together with the prescribed particulars, of all persons having any right, title or interest in such common land, who have not entered into agreements in regard to their rights therein, and shall cause notice of the fact that this has been done, to be given to every person whose name has been so entered in the register.

Power to enter into agreements on the part of minors, lunatics, absentees, &c.

India Act IV of 1872, Sections 34–38. India Act XXXV of 1858, Section 9. India Act VIII of 1890.

8. It shall be lawful—

(*a*) in respect of a person whose property is under the superintendence of the Court of Wards—for the Court of Wards;

(*b*) in respect of a minor—for the guardian of the property of such minor appointed or declared under the Guardian and Wards Act, 1890;

(*c*) in respect of a person of unsound mind—for the Manager of his property appointed under the Lunacy (District Courts) Act, 1858;

(*d*) in respect of a land-owner or tenant who is recorded in the Revenue Records as an absentee—for the person in actual possession of his estate or holding;

to enter into an agreement under this Act on the part of such person, minor or absentee, as aforesaid, and every such agreement so entered into shall take effect as if such person, minor or absentee, as the case may be, had been competent to enter into and had himself entered into such agreement accordingly.

Agreements need not be registered under the Indian Registration Act or stamped under the Indian Stamp Act.

India Act III of 1877. India Act II of 1899.

9. Notwithstanding anything in the Indian Registration Act, 1877, or in the Indian Stamp Act, 1899, contained, every agreement registered under this Act shall have [illegible] full force and effect without being registered otherwise than as required by this Act, or stamped.

Heirs, representatives and subsequent transferees may not question agreements made under this Act.

10. (*1*). Notwithstanding any law or custom to the contrary, every [illegible] agreement [illegible]ed under this Act shall have [illegible] effect against—

(*a*) the lawful heirs and representatives of every executant thereof;

(*b*) every person possessing or claiming to possess any right, title or interest in the land which is the subject of any such agreement, through or under any executant thereof;

(*c*) every person to whom, after the date of the agreement, any right, title or interest in the land which is the subject thereof is transferred by any executant thereof or his representative in interest for the time being.

(2). For the purposes of sub-section (1), the word "executant" includes a person who is bound by the conditions contained in any statement of conditions under the provisions of Section 7.

Pre-emption claims barred.

11. Notwithstanding any law or custom to the contrary, no right, title or interest in land surrendered to the Government by an agreement registered under, or under the operation of any provision of, this Act shall be called in question in any court of law, by any person claiming to have a right of pre-emption in respect thereto.

Exclusion of jurisdiction of Civil and Revenue Courts.

12. The right, title or interest in any land acquired or to be acquired by the Government in pursuance of any agreement entered into under, or of any provision of, this Act, shall not be called in question in any Civil or Revenue Court.

Power to enforce conditions of agreements entered into under this Act.

13. Subject to the provisions of this Act and to the conditions of any agreement (if any) registered thereunder, the Deputy Commissioner may at any time take steps to enforce, and to prevent the breach of, any of the conditions of any such provision or agreement, and may, for that purpose, eject and remove any person from such land and restrain any person from the exercise of any such right, title or interest in or over the land, and may do all other necessary acts and things.

Protection as to acts done in good faith.

14. No suit shall lie against any public servant for anything done by him in good faith under this Act.

Power of Financial Commissioner to make rules.

15. The Financial Commissioner may, with the previous sanction of the Local Government, make rules, consistent with this Act,—

(*a*) regulating the procedure to be observed in all proceedings under this Act;

(*b*) prescribing the form of, and particulars to be contained in, registers to be maintained under this Act; and

(*c*) generally to carry into effect the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS.

THERE is a large tract of land, known as the *Sind-Ságar Doáb*, lying between the rivers Indus and Chenab, and, higher up, between the river Indus and the river Jhelum which is, at present, to all intents and purposes, a barren waste. It is believed that it is feasible to irrigate this tract from a permanent flow canal taken out of the river Indus, and that the carrying out of such a project would result in throwing some two millions of acres or more of what is now useless or poor grazing land open to cultivation and colonisation. Having regard to the experience gained in the case of the Chenab Canal, the Local Government is prepared to favour such a project as reclaiming and colonising the waste lands of the *Sind-Ságar Doáb*.

The construction of a canal from the Indus through this tract would, however, be a very costly undertaking, and unless the land can be acquired without heavy outlay, the project must be altogether abandoned on the score of expense.

The proprietary bodies of numerous villages have been recognised at Settlement as having rights in extensive portions of the waste lands of the *Sind-Ságar Doáb*, and there also exist rights of pasturage, melon cultivation and the like over the same waste which are exercised by certain non-proprietors.

It would not be possible to take up the land under the Land Acquisition Act, 1894, as that course would involve an enormous outlay in compensation, for, although the land is practically worthless at the present time, the mere fact that Government desire to acquire it would give it a fictitious value in the eyes of those who have proprietary or other rights in it, and, as against Government, they would probably be awarded compensation at a rate which, having regard to the large extent of country involved, would mount up to a sum which would probably be quite prohibitive.

PUNJAB RIVERAIN BOUNDARIES BILL.

The Hon'ble MR. THORBURN presented the Report of the Select Committee on the Bill to amend the Punjab Land Revenue Act, 1887, and the Law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.

The Hon'ble MR. THORBURN moved that the Bill, as amended by the Select Committee, be taken into consideration. He said—

"In moving that the Punjab Riverain Boundaries Bill, amended in the way explained in the Select Committee's report, be taken into consideration, I have a few remarks to make.

"Since its first approved inception this project has gone through several material alterations.

"In the original scheme the equitable fixed boundary was to be laid, and changes in proprietary rights were to be unaffected until such action of the river had taken place as would, by law or custom, deprive trans-line owners of their trans-line interests. As this process would have been slow and have led to quarrels and uncertain litigation—facts and customs in river-beds being doubtful—when it came to framing a draft for a Bill, provision was made that valueless land should be transferred at once, and that rights in valuable land should lapse when, by the action of the river, such land became valueless or was transferred to the other side of the main stream. To that extent the original intention was departed from in the sketch of a draft Bill submitted to the Government of India. Before the criticisms of that Government and of the Secretary of State were received, it was seen that the provision that rights in valuable land should lapse upon certain contingencies happening and not otherwise, whilst not hastening the ultimate adjustment of interests, would operate harshly in individual cases. The Bill, therefore, as introduced into this Council on November 1st last, facilitated the expropriation of trans-line holders of valuable land, but only after the payment of full compensation to them.

"It has since been duly published, and the Select Committee, in two sittings, have considered the despatch of the Secretary of State for India on the draft in its first form, two letters of the Government of India, the earlier on that despatch, the later on the Bill as introduced, and the opinions of a number of experienced Revenue and Judicial officers serving in the Punjab. No opinions have been received from representatives of the classes whom the Bill directly concerns. I mention this with reference to paragraph 5 of the Secretary of State's despatch. This abstention is to be regretted, but was not unexpected, as riverain agriculturists, like their neighbours, are ignorant and inert until concretely affected by any legislation. It may, however, be safely anticipated that the Bill, as now amended, will be acceptable to the village communities of our rivers, and that even had it been introduced in the form of the original draft, its interference with individual interests would have been immeasurably less than that caused by the deep-stream rule, the genesis, inequity and unpopularity of which were discussed by me in this Council on the 1st of November last.

"In the Bill, as now amended, endeavour has been made to meet all material criticisms to which it has been subjected, other than those which will best be dealt with in executive instructions. We believe that it has now been purged of the last vestige of the reproach that it curtails unnecessarily individual rights in property, and summarily decides questions better left to the arbitrament of law and custom as administered by the Civil Courts.

"Did the Bill stop short after providing for the fixation of the permanent boundary and the transference of all immediately valueless land, and no more, to the cis-line village, such a half measure would have given rise to disputes, ill-feeling between limited and full owners, wasteful litigation, an indefinite postponement of finality, and considerable administrative inconvenience. We believe that these evils have now been minimised and that the individual rights of *málikán kabza* or limited owners in property cis and trans-line are now sufficiently protected. In the first place, the Collector will, doubtless, exercise his discretion wisely and, under the proviso to sub-section (2) of Section 101 C., reject applications for the expropriation of trans-line limited owners, unless he sees that it is to the true interests of both sides that such owners should be bought out. In the second place, such owners, so long as the suspending order under the proviso to sub-section (1) to Section 101 (B) is maintained, will be upheld in their limited rights in their trans-line village and in all their pre-existing rights in their cis-line village, in the records of both of which their names will appear. If, for administrative convenience, they are required to pay the land-revenue of the reserved plots with their trans-line village, that fact will not affect rights already accruing to them in their cis-line village from the possession of such plots. That this is the case is clear, for the Bill merely transfers land from one revenue estate to another, and leaves all rights in valuable parcels undisturbed, except in certain contingencies, when holders can be bought out, it may be against their will, but in any case on terms very favourable to them.

"Let me try to demonstrate this proposition by an illustration :—Suppose that a fixed boundary transfers 1,000 acres from village A to village B, and that 900 being presently valueless pass at once, and 100 being valuable are reserved to their previous holders. In respect of the 100 acres these reservists are now limited owners in B, but remain full owners in A.

"Now suppose that one or more of the "old agriculturists" in B apply to acquire the 100 acres, and that the Collector, for good reason, decides not to veto acquisition, and, further, that whilst he is preparing materials for his award, the limited owners concerned sell 50 of the 100 acres to a money-lender, a "new agriculturist" of B, the Collector's proceedings as regards the plots privately sold will now determine as provided in Section 101 D, but he will make an appropriate award as regards the other 50 acres. The money being duly paid, the whole 100 acres will now be part and parcel of village B. Whoso chooses will be at liberty to bring a suit for pre-emption against the acquiring "new" agriculturist. As to the 50 acres, the subject of the award, the payment of the amount awarded will no doubt give the payer an exclusive lien on them until questions of distribution, if any, amongst the land-owners are decided as provided in Section 101 E, in accordance with the incidents of tenure of the village.

"Under such circumstances the late owners can have no cause for dissatisfaction for they have got rid of an inconvenient possession, and by the clever voluntary sale of half their land have thrown the apple of discord amongst their intending expropriators in B. Similarly, the B owners, as a community, can have no cause for dissatisfaction, being relieved of the presence in their midst of the obnoxious limited owners, and having now every acre of land on their side of the fixed boundary in their own possession. If they now fall out about pre-emption or distribution amongst themselves, it is their affair, but I doubt if many disputes of the sort will be fought out in court, as costs would be heavy, result uncertain, and the successful litigant would have to pay 15 per cent. more than the land would be worth.

"I now move that the Bill be taken into consideration."

The Hon'ble MR. TUPPER said— " In the general scheme of law and rules applicable to the Punjab this Bill occupies a triple position. It supplements our Land Revenue Act. It supplements the Civil law existing outside that enactment; and it presupposes that it will itself be supplemented by rules under the Land Revenue Act or other executive instructions. Indeed, the Bill has been carefully framed in such a way as to avoid the rigidity of enacted law in respect of those matters for which rules under the law or executive instructions will suffice. The advantage of this method of legislation which is, I believe, generally unexceptionable, is conspicuous in the present instance. The work of boundary settlement which will devolve upon Revenue Officers under this Bill is to some extent novel in character; and by rules and instructions framed in accordance with the law we should be able to utilise experience as it accumulates and deal with difficulties as they arise. And as these rules and instructions can be altered from time to time by the authorities by which they are made, we hope in this way to avoid any frequent resort to legislation. If this measure had been fuller and longer than it is we should merely have secured greater elaboration in detail by a sacrifice of elasticity

"These remarks bear, I think, upon one set of difficulties to which the Hon'ble Mover has alluded. The discussions on this Bill since it was referred to a Select Committee have dealt chiefly with the case of land transferred from the losing to the gaining estate, but of which the chief effects of the transfer are temporarily deferred because the land is at the time under cultivation or reasonably fit for cultivation or yields produce of substantial value. How are we dealing, how do we propose to deal, with land in this condition of suspended transfer? That, it appears to me, is the *crux* of the whole position.

"Now I will take, first, the case of this debateable land, the 100 acres in village B, according to the speech of the Hon'ble Mover, in relation to the losing village. Well, the Bill takes power to reserve all their rights to the landowners and other rightholders already in possession of them until the land ceases to have value. So far as I am aware there are only two legitimate modes in which any one can be deprived of a right of property of which he is in possession. It may be taken from him by legislation; or it may be taken from him by decree of court. Now, when the proviso of Section 101 B has been brought into force by the written order of the Collector, the effect is that no transfer of rights occurs in respect of the land to which the order relates. Everything remains as before except that the land has come within the boundary of the gaining village. It follows that the Bill as it stands meets the difficulty pointed out by the Hon'ble Mover. The landowners will have exactly the same rights, as regards the common land of their own village, as they had before; because nothing has been done either by legislation or by decree of court to deprive them of the same. This, however, does reqaire clear explanation in executive instructions; because, if the revenue is paid with that of the gaining village and the shares in the common land of the losing village are regulated according to the measure of right entered on the Settlement record of that village—*hasb rasad khewat* as the vernacular phrase is—it might very easily be held by Revenue Officers who did not know how the Bill was intended to work, that the alteration in the Settlement record consequent on the fixing of the boundary would operate to curtail rights relating to the common land of the losing village. It might be supposed that a *Málik kabza* in village B could have have no rights of *Shámilát* in village A in respect of his *Málik kabza* holding. This, however, is not intended; nor is it enacted. The *Málik kabza* is such only in respect of the estate to which his land has been added. In respect of his own original village, he remains a full landowner as before. Just as he gains no *Shámilát* rights in the gaining village, so he loses no rights of *Shamilát* in the village which has eventually to surrender all rights in his land when it has ceased to be valuable.

"Next, I will take the case of this much debated land, this land of rights destined for eventual transfer, in connection with the estate to which it accrues. It is, I think, generally accepted that the sooner we can, with justice, end our

boundary case the better, and the Hon'ble Mover has dwelt upon the evils which result from its prolongation. The Bill, therefore, contains two sections intended to promote finality. First, if the Collector so permits, any land-owner or landowners of the gaining estate may compulsorily acquire the rights under suspended transfer. Secondly, any one in possession of those rights may voluntarily transfer them to any landowner of the gaining estate; and if he does so, the order suspending the transfer of rights ceases to operate.

"As to the first of these expedients for promoting finality it is, I think, extremely liberal to the losing village. The expropriated rightholders get the market value of their rights plus 15 per cent. added in consideration of the compulsory nature of the transaction. The gaining village, of course, has no cause for complaint as no one in that village need apply for compulsory purchase unless he wishes to do so. In the Bill, as referred to the Select Committee, there was a provision apparently intended to lay down the order in which the privilege of compulsory acquisition could be claimed by the landowners of the gaining village. This order followed generally, but with certain differences, the order fixed for pre-emptors by the Punjab Laws Act. No one made a more valuable contribution to the present discussion than Mr. Alex. Anderson, Officiating Commissioner of the Jullundur Division. He acutely pointed out that the precedent followed was not really appropriate to the case. When land accrues to a village by alluvion or avulsion, there are four ways in which it may be appropriated. It may be restored to the owner of the site, that is of the plot which was destroyed by the river in the same locality, or it may be added to the holding of the land-owner upon the margin of whose land it appears; or it may be treated as the common land of the sub-division of the village or of the village as a whole, that is as *shámilát patti* or *shámilát deh*. The order of preference amongst competing purchasers would vary according as the custom of the village followed one or other of these four rules. We therefore thought it expedient to omit all mention of any order of preference and to leave the Collector discretion to deal with this matter according to circumstances. As the Bill now stands, the Collector may reject an application for compulsory acquisition at any time before he makes his award. I think that when any of the land-owners of the gaining estate apply for compulsory acquisition notice of the fact should be given to all the other land-owners of the same estate, and if it appears that there is a dispute as to the person or persons preferentially entitled to make the purchase, the Collector should decline to proceed with the application till the dispute has been amicably settled or settled by a declaratory decree. So also if for any other reason the proposal to acquire the rights compulsorily stirs up strife in the gaining village, or might, if accepted, unduly increase the prosperity and influence of some individual land-owner, I hope that the Collector will refuse to proceed. The plan of compulsory acquisition is doubtless beneficial when all are agreed; but I am sure it is not intended that the plan shall open a field for the exercise of the petty tyrannies and jealousies of village faction.

"The case of the voluntary transfer of the rights in suspension is simpler. I was at first disposed to object to Section 101 D., because I thought it might stimulate the small feuds and intrigues to which I have just alluded; but on further consideration I perceived that this was not its effect. This Bill in no way touches the large question of restraints upon the alienation of land. As I have said, it is supplementary to the general civil law of the Province; and under that law any man may transfer his rights of ownership or his rights of occupancy subject always to certain restrictions which are well known and are untouched by the Bill. In the case of rights under suspended transfer, that is of rights destined to eventual transfer to the gaining village, all that Section 101 D. does is to cancel the order of suspension when a voluntary transfer takes place. It leaves the law of voluntary transfer as it stands, and merely removes a possible doubt as to title when a voluntary transfer occurs. This being its effect, it appears to me to be quite unobjectionable and I quite approve of it.

"I have said something of the relation of this Bill to our Punjab Laws and Rules, and it seems worth while to add, though the observation is really obvious, that it cannot, of course, apply to any territory outside the Punjab. Now if we look to the definition of the Punjab contained in Section 2, clause (45) of Punjab Act I of 1898, we shall see that under this Bill we cannot lay down fixed boundaries in riverain lands as between any Punjab district and any district of the North-Western Provinces, or any Punjab district and any Native State, until in British territory there has been supplementary legislation beyond the competence of this Council to enact, and in State territory there has been supplementary action on the part of the authorities of the State. It is just as well, perhaps, that we should first test the procedure of the Bill where there are Punjab districts or Punjab estates on both sides of the river. We may come to negotiate with our Native States or, subject to the permission of the Government of India, with a neighbouring Government, in course of time.

"With these remarks I beg to support the motion that the Bill be taken into consideration."

The Hon'ble Mr. MADAN GOPAL said :—" I have given some thought to this measure and, to justify the support that I intend to give to it, I beg leave to make a few observations.

"We have seven great rivers in this Province, besides many smaller ones which in the rainy season contain large volumes of water. It has been stated that there is no part of India which is more affected by river action than the Punjab, —the approximate length of river-bed and bank exposed to river action being 3,600 miles.

"The changes in the courses of these rivers are very great every year. Indeed, these rivers are regular vagabonds and wander at their own sweet will carving out beds capriciously and leaving them alone as *illogically*, so that it becomes quite exciting to watch them in their frolics, but most troublesome to mark off on the map their different past courses.

"A fickle stream is the worst enemy of the peasant. 'If the current sets against your lands, you may be made a beggar in a single night, or perchance the stream in a more genial mood may pile rich banks of silt along your border, which may continue stable for years and grow magnificent harvests.' However, you never know when it may sweep across your fields in destructive floods, and therefore agriculture becomes a simple lottery, and this, in a great measure, accounts for the recklessness and improvidence of riverain proprietors. This periodical movement of the great rivers cannot be checked by the feeble hand of man. The only thing we have to deal with is, what should be the law governing the transfer of holdings due to these contingencies.

"It is interesting to find out what measures have been taken from the earliest times for this purpose.

"Among the Romans the deep-stream rule did not exist.

"Among the Hindu Lawyers Brihaspati says : If a large river or a king taking land from one village gives it to another, what is done shall not be disturbed. It is according to the good luck or bad luck of persons ; but if a field, with a growing crop on it, is dissevered by the force of the current, then the former owner shall have it. Here we have a trace of the deep-stream rule but in a modified form—modified to avoid the extreme hardship which too strict an adherence to the rule might entail and the modification practically abrogates the rule. Nothing is known of the rules governing such cases during the Moslem *régime*. Before the British annexed the Punjab, the circumstances were these : The English ruled across the Sutlej. The Sikhs on this side. The necessities of the times when there were opposing jurisdictions on each side, and when any maintenance of authority over land which had been completely cut off by the river from the side

to which it formerly belonged would have been difficult and likely to produce constant disputes, led to the recognition of the deep-stream rule, pure and simple, as the boundary between two Governments and necessarily also between villages. After the districts on both sides of the river had come under the same sway, the same rule continued to be observed, though the same necessity had ceased to exist. Finally, though there was no express legislation, Regulation XI of 1825 was, with other Regulations, made applicable to the Punjab.

"This Regulation prescribed certain rules, subject, however, to a sweeping exception, in favour of clear, definite and immemorial usage, and an illustration was given—'such as that the main channel of the river dividing the estates shall be the constant boundary.'

"As I have said, the deep-stream rule came into recognition owing to the necessities of the times, but it is not a rule of universal application. Settlement Reports show that the villages on some rivers have fixed boundaries and on other rivers there are other customs that have the force of law, or a modified form of the deep-stream rule is followed. We have thus a great deal of diversity, and I support the present Bill, in the first place, because it substitutes uniformity for diversity.

"Then the deep-stream rule operates very harshly on the proprietors who lose by it, while those who gain do not really benefit, because the fickle current may sweep all away again with some of their own best lands in the bargain, and this fear deters them from applying their labour and resources. While it reduces those whose land is cut off to the position of labourers, it gives to the proprietors of the other village, it may be for only a season, it may be for more, a greater quantity of land than they can make use of, or are willing to utilise. The value of property in river villages is thus depreciated. There is no permanency. It is a game of gambling. The above statement is sufficient to show that such a usage cannot but act very injuriously; that it is most inequitable and unsatisfactory.

"Further, this rule gives rise to vexatious suits, and by the time the final decree is issued, the whole face may have changed and all this expensive litigation end in smoke. Again, no more arduous task falls upon the officials than the investigation of these alluvion and diluvion cases. The villagers need little provocation to turn out and break each other's heads in resisting rival claims. Serious riots and loss of life have often occurred in quarrels of this kind. These are circumstances which it is not desirable to leave alone.

"Let us see how this rule works so far as the administration is concerned. Villages and their inhabitants are transferred from one jurisdiction to the other; serious inconvenience is caused both to the people and the officials. Records are bandied about from one district to another, backwards and forwards, subjecting them to undesirable risks. New police and chaukidári arrangements have to be made. Government loses revenue. Thus this rule is objectionable on the ground that it depreciates the value of lands, that it is adverse to Imperial interests and more or less unsuited to the times.

"Notwithstanding the above objections, if the custom were clung to tenaciously by the people, it might not be desirable to supersede it merely for the sake of uniformity. That it is distasteful to the people is clear from Settlement Reports and Revenue records. And how can we expect them to favour it? Is it right to expect a man to be happy and contented when he is deprived of his acres, his trees, his wells, his houses, because a river flows to the right instead of the left of his village? The weight of the opinions of all the chief Revenue authorities in the Province from 1852 to 1897 is in favour of the abandonment of the Hadd-i-sikandari. All these circumstances combine to make the case under consideration one in which, to use the words of Mr. Ibbetson, a superstitious fear of meddling with anything sanctified by the name of custom should not hold us back from substituting an equitable and uniform rule for the varying and uncertain custom at present in force. This is my second ground for supporting this measure.

"The sole argument in favour of the deep stream is that it is a natural boundary, but the determination of the deep stream is not always easy. There are sometimes two or more main branches and the advantage of a natural boundary then ceases. These are all grounds for fixing once for all the boundaries of villages independently of the situation of the stream.

"The great advantages of the present measure are that it is enabling and not obligatory; that it does not stereotype the state of things existing at any given time, thus causing instant hardship, but directs the determination of the line after consideration of the gains and losses caused by changes in the river's course for a sufficiently reasonable period, and that it does not disturb actual possession of cultivated and productive land except under equitable and reasonable safeguards. We thus substitute fixed boundaries for moving boundaries without transferring to one village or person cultivated land in the possession of another except by granting him adequate compensation on the same lines as are laid down in the Land Acquisition Act. But even this is left to the discretion of the Revenue Officer. He may direct the transfer of cultivated land straight off if he considers this desirable in the circumstances of the case on payment of compensation to the original occupants by the persons to whom it is assigned. This will obviate the necessity of creating chaks and malikan kabza and secure a permanent boundary at once.

"The only other provision that I wish to notice is about the exclusion of jurisdiction of the Civil Courts. Civil Courts can only enforce civil rights as proved by past facts. What is proposed here is a new system. The basis of the award of the Revenue Officer would be not *right* as previously exercised but a balancing of contending claims, and therefore any interference by the Civil Courts would be out of place. Lastly, from inquiries that I have made, I am in a position to say that there is great probability of this measure meeting with the approval of those whom it will affect, and that they will gratefully remember Your Honor's Government for showing solicitude for their welfare in the very first original measure that it is hoped this Council will enact since its institution."

The Hon'ble KHALIFA SYAD MUHAMMAD HUSSAIN said:—"The object and principle of this Bill is that the fixing of the boundary will in no way destroy any just rights of riverain land-owners, but will make their rights more certain and will establish them on a fixed basis for all time, and thus benefit both parties who are now burdened with fluctuating rights depending on a fluctuatery boundary. The Hon'ble Mr. Tupper has referred to two points in regard to which the Bill is, in one sense, necessarily incomplete, namely, in the settlement of boundary disputes on the river Jumna between the North-Western Provinces and the Punjab, and in dealing with rivers which divide British territory from Native States, but these deficiencies are inevitable from the point of view of this Council. I am myself doubtful as to the effect of the measure in regard to land which is to pass from one village to another, because it is of no substantial value, and my reason for doubting the effect of the measure is this, that in regard to land which is subject to river action it may at one moment of time be of no substantial value, but at another it may become culturable. The Bill, however, disposes of rights in such land finally and for ever upon the Collector's dictum given at the time the boundary is fixed. There will be some heart-burning about what land is or is not of substantial value at the time the boundary is fixed. I am myself in favour of the Bill as a good solution of a difficult problem and feel sure that if carefully worked, with due regard to what is equitable, it will prove a blessing to the country."

The motion was put and agreed to.

The Hon'ble MR. THORBURN moved that the Bill, as amended, be passed. He said:—"With reference to the remarks made by the Hon'ble Mr. Tupper, as I have already stated, points requiring elucidation will be dealt with in executive instructions. As regards the doubts raised by the Hon'ble Khán Bahádur Khalifa

Muhammad Hussain that, as presently valueless land will sooner or later become valuable, to transfer it suddenly to a trans-line village may cause its former owners future appreciable loss, my Hon'ble friend's apprehensions are to some extent real. I would, however, point out that the permanent boundary line will be a just and equitable one on a give-and-take principle, and that, in any case, the possible future loss to one village will be infinitesimal compared with the certain loss annually caused by the gambling insecurity of possession under the superseded deep-stream rule.

"I now move that the Bill, as amended, be passed, and in doing so I may refer to the fact that no amendments have been brought forward and no expression of dissent has been made at this meeting. No object would be gained by further delay and no changes have been made which render it necessary to republish the measure or to invite further discussion."

The Hon'ble MR. TUPPER said:—"My object just now was to offer some explanations which may be convenient and to suggest for consideration certain matters which may become the subject of rules or executive instructions when the Bill has passed into law. I desire now to say something upon the general principle of the Bill.

"When the Bill passes into law, it will be the second enactment of this Council, but, as observed by my Hon'ble friend on the left, it will be the first enactment of special importance and significance which this Council will have passed. Punjab Act I of 1898 is a General Clauses Act, an Act preparatory to further Punjab legislation. This Bill deals with a well-known part of Punjab Customary Law and deals with it in a way which forms to my mind an excellent precedent. I think, Sir, I may heartily congratulate you on this measure. It accords with opinions held by Revenue Officers in this Province for more than twenty years, and it is mainly due to your own initiative and personal proposals as Financial Commissioner that we have this project of law before us to-day.

"Following the late Colonel Wace and in general accordance with views expressed by Sir James Lyall, I advocated the substitution of fixed boundaries for the deep-streams rule in a note dated December 20th, 1878, which has been printed in Volume III of the Punjab Customary Law Series. I think myself fortunate in being able to join to-day in legislation which has that object. I borrowed in the same book a quotation made by Sir Robert Egerton from the late Lord Beaconsfield:—'Customs,' said Lord Beaconsfield, 'are spontaneous. They grow out of man's necessities and inventions; and as circumstances change and alter and die off, the custom falls into desuetude and we get rid of it. But if you make it into a law, circumstances alter, but the law remains and becomes part of the obsolete legislation which haunts our Statute-book and harasses society'.

"Sir, the effect is the same if by action of our Courts we give to harassing and obsolete customs the force of law. With the abolition of anarchy and private war in this part of India, vanished any rational support for the deep-stream rule; for a custom which added to the inevitable misfortunes due to the caprices of nature the further misfortune that a man might lose valuable and recognisable land by a mere change in the course of the river. This custom will be abrogated when the Bill is applied, and it is, after half a century of British rule, quite time it should be abrogated. But the Bill substitutes for a custom which has no proper place under our settled Government another custom which is entirely suitable. It enforces the *Wárpár* rule which assumes that the whole bed of the river belongs to some estate or another, and that the boundaries of these estates are fixed whether they are under water or not. In case it may be supposed in some quarters that we are unduly interfering with custom, I think it worth while to remind this Council that the *Wárpár* custom is very widespread.

"It 'prevails', said Sir James Lyall, 'to my knowledge on the Indus, from where it leaves the hills at Kálabágh to the frontier of Sind; on the Jhelum in the Jhang District; on the Chenab in Jhang and between Mooltan and Muzaffargarh; on the Chenab or Panjnad between Muzaffargarh and Baháwalpur; on that part of the Ravi which is below the Sidhnai in Mooltan; and on the greater part of the Sutlej between Mooltan and Baháwalpur.'

"There are other localities also where it is believed to prevail, but this surely is sufficient to show that what we are doing is to quicken in a beneficial way the normal process of social advance. Even if the extension of the *Wárpár* rule was in a measure due to the action of our Settlement Officers, still this was the substitution of a custom consistent with settled Government for a custom which became obsolete when anarchy itself and the consequences of anarchy became anachronisms. Sir, I have long held that in matters of legislation we should be the students of Punjab custom, but by no means its servile expositors. The problem that we have to face is a somewhat complex one. It is that Punjab customs having grown out of necessities and conditions which prevailed under a different sort of rule and at an era more remote from civilisation, we have now so to modify them as to bring them into accord alike with the inherited frame and with the changed environment of native society. One solution in regard to one set of customs is offered by the Bill; and I shall always rejoice if on future occasions we are equally able to remove an obstacle to justice and a harassment of society by generalising and applying, in accordance with carefully considered rules of law, a practice which already prevails in many parts of the country.

"With these remarks I cordially support the motion that the Bill as amended be passed."

The Hon'ble MR. MADAN GOPAL said that he cordially supported the motion.

His Honour the Lieutenant-Governor said :—"It has been already remarked that with one exception, and that purely of a routine character, this is the first measure which, having passed through the various stages, is now before the Council for its final vote of approval. And I take it as a happy augury that this first distinctive Act of our Local Legislature should be one framed with the simple object of diminishing litigation. The Hon'ble Member who introduced the Bill in November last sketched the history of riverain custom in the Punjab, and showed that it was scarcely less shifting than the course of the rivers themselves. For more than thirty years it has been realised that fixed equitable boundaries between estates liable to such varying conditions were greatly to be desired. In some cases a fixed boundary already exists. But in others, generally owing to the inability of the landowners to come to an agreement, the deep-stream rule, with its uncertain working and its endless litigation, has hitherto prevailed. The object of the present measure is to provide the means of introducing the fixed boundary in these cases. It may be asked why this much-needed reform has been so long postponed, when its necessity has for so many years been admitted. The reply is that there were two difficulties to be overcome. The first was the mechanical difficulty of mapping such a boundary. This difficulty has been largely removed by the great advance in the proficiency of the field survey. We are able now to map with accuracy both sides of the largest river, including the river bed, on a common system of squares, and to trace on the map a boundary capable of identification. The second difficulty arose from the nature of the case. The existing mode of deciding the boundaries of riverside estates is based on ancient custom, and, however productive of disputes, is acquiesced in by the people. To fix authoritatively any boundary is an interference with the existing custom. The power to do this

required to be limited by safeguards. No satisfactory scheme for doing this was proposed until the year 1893, when the compromise embodied in the present Bill was suggested. For six years it has been discussed, and I believe in its present form it will be found to be workable. There has been no opposition to it : indeed the opinion of all who have been consulted is unanimous in favour of the Bill becoming law. Without depriving any riparian land-holder of any land which is capable of being put to any agricultural or pastoral use, the Bill aims at rectifying the unfair operation of past usage, and preventing its continuance. In the former case, all that we are doing is to take away from those who are not equitably entitled to it, land of no agricultural or pastoral value, and restore it to those to whom it equitably belongs ; and to provide a machinery for the compulsory transfer on compensation of land which has such value. In the latter, we merely prevent the evil going further. This minimum of interference with a thoroughly bad custom is amply justified by the object in view ; namely, to put an end to annually recurring unsettlement and strife.

"It is very possible, and it is sincerely to be desired, that in the great majority of cases the fixed boundary will be determined by agreement, and without resort to the compulsory provisions of the Bill. Power has been taken to give conclusive effect to such agreements, and I regard this provision as fully equal in importance to the other. I firmly believe that the measure which is now to become law will prove a boon to the riverside agricultural population of the Punjab."

The motion was put and agreed to.

ADJOURNMENT.

The Council then adjourned *sine die*.

LAHORE: } E. W. PARKER,

The 28th April 1899. } *Secretary to the Legislative Council of the Punjab.*

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE LIEUTENANT-GOVERNOR OF THE PUNJAB, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 & 1892 (24 & 25 VICT., CAP. 67, AND 55 & 56 VICT., CAP. 14).

THE Council met at the Council Chamber, Barnes Court, Simla, on the 16th August 1899.

PRESENT:

The Hon'ble Sir WILLIAM MACKWORTH YOUNG, K. C. S. I., Lieutenant-Governor of the Punjab, *presiding*.

The Hon'ble Mr. S. S. THORBURN.

The Hon'ble Háji Nawáb FATEH ALI KHAN, Kazilbásh.

The Hon'ble Khán Bahádur Khalífa Sayad MUHAMMAD HUSSAIN, Mushir-ud-dowla, Mumtáz-ul-Mulk.

The Hon'ble Mr. J. S. BERESFORD, M.E., M.I.C.E.

The Hon'ble Rái Bahádur Mr. MADAN GOPAL, M.A., Barrister-at-Law.

The Hon'ble Mr. H. C. FANSHAWE.

The Hon'ble Mr. L. W. DANE.

NEW MEMBERS.

The Hon'ble MR. H. C. FANSHAWE and the Hon'ble MR. L. W. DANE took their seats in Council.

PUNJAB LAND PRESERVATION (*CHOS*) BILL.

The Hon'ble MR. FANSHAWE moved for leave to introduce a Bill to provide for the better preservation and protection of certain portions of the territories of the Punjab situate within or adjacent to the *Siwálik* mountain range or affected or liable to be affected by the action of streams and torrents, such as are commonly called *chos*, flowing through or from, or by the deboisement of forests within, that range. He said—

"I have the honor, Sir, to ask the leave of the Council to introduce a Bill for the protection of certain tracts in or adjoining the Siwálik range in this Province affected by deboisement of the range and by the *chos* or sandy torrents which issue from it.

"The Siwálik range, which extends along the north-east border of the Hoshiárpur and Umballa Districts, consists mainly of a soft sandy conformation remarkable for the absence of clay constituents. In consequence, where the range is not protected by a natural growth of grass, underwood and trees, it is liable to violent erosion by the heavy annual rainfall which amounts to some 40 inches, and the sand detritus thus washed down is carried far into the plains and is the cause of most serious damage there. This damage is greatest in the Hoshiárpur District in which no less than 1,000 villages are affected; but it also extends to nearly 70 villages in Jullundur and is not unknown in the Umballa District.

"The facts of the damage done in the first two districts during the last 50 years are as follows. In 1852 the area affected by *chos* in Hoshiárpur was slightly under 50,000 acres, and the area so affected in Jullundur was under 1,000 acres. At the last land revenue settlement fifteen years ago these areas had risen to 80,000 acres, and they have now reached 100,000 acres, or just double the area affected at the middle of the century. Besides this, a further area of not much less than 20,000 acres in these districts has been so far injuriously affected by *cho* action as to require a reduction of assessment. It is obvious from these facts that the loss and suffering caused to the cultivators of the areas in question must have been very great, and that they call for a remedy if one can be reasonably supplied. If the loss to Government in the matter of land revenue is put at one lakh of rupees only, the loss to the villagers must have been at least ten times that amount; and it has been ascertained that in the Hoshiárpur District they are deeply involved in debt. The evil, moreover, has been and is proceeding in a rapidly increasing ratio, as is always the case under such conditions as those of the Hoshiárpur Siwáliks, and the measure of damage done in the past is no adequate test of that which will probably happen in the future.

"The principal reason why this natural evil has assumed such serious proportions during the last fifty years is that, while previous to 1852 the waste lands of the Siwáliks, which were at that time well protected by trees and bushes and grass, were considered to belong to the State and were controlled by State servants, at the first regular settlement of Hoshiárpur these lands were divided up among the villages in and adjoining the hills, and have since that time been treated as village common lands. The consequence of this and of the development of the adjoining large villages and small towns in the plains, has been that the grass and brushwood and trees on the hill sides have been largely destroyed, and that the number of cattle and sheep and goats kept in the villages in the hills has increased beyond all reasonable limits; and it is certain that unless special legislative action is taken to check the evils in question, they will increase until a common ruin involves both the villages in the hills and the villages in the plains.

"The question of such action as regards the *chos* has been under consideration ever since 1876, when the necessity for it was first mooted by the Deputy Commissioner of Hoshiárpur, Mr. Coldstream. A special report on the

subject was prepared in 1879 by Mr. Baden Powell, then Conservator of the Forests in the Punjab, and another report was written in 1883 by Mr. Moir, Deputy Conservator of Forests, who had specially studied the question of the reclamation and protection of similar areas in the south of France. Since then the opinions of various experts, Forest and Revenue, have been recorded on various occasions to the effect that special measures ought to be adopted by Government to prevent the growing evils of *cho* action. For a long time it was proposed to attack the evils, which must be faced at the seat of their origin in the hills, as training works in the plains afford only a local remedy by passing the evils on elsewhere, by recourse to existing provisions of the Forest Act ; but, after full and detailed consideration of the matter during the last four years, it has been decided that not only are these provisions inadequate to meet the very special circumstances of the *chos*, but that they would be rendered practically inoperative by the very large amount of compensation which would have to be paid under the terms of the Land Acquisition Act. In consequence the present Bill has been submitted to the Government of India and has been approved by Her Majesty's Secretary of State for India, and if, on the one hand; the Punjab Government can hardly be accused of precipitate action in this connection, it must be remembered, on the other hand, that a measure which purports to restrict the exercise of rights of long standing properly demands a long and careful consideration. The full title of the Bill is "A Bill to provide for the better preservation and protection of certain portions of the territories of the Punjab situate within or adjacent to the Siwálik mountain range, or affected or liable to be affected by the action of streams and torrents, such as are commonly called *chos*, flowing through or from, or by the deboisement of forests within, that range," and it is this Bill which I now ask the leave of the Council to introduce."

The motion was put and agreed to.

The Hon'ble MR. FANSHAWE introduced the Bill, and, in doing so, said—

"In introducing the *Chos* Bill in accordance with the motion just carried, I desire, Sir, to lay briefly before the Council, in supplement of the printed Statement of Objects and Reasons, the provisions by which the Government proposes to control the injurious action of the *chos*.

"I need not I think refer at this stage to the definitions contained in the Bill, which it will be observed is applicable to all areas in the Siwáliks or affected by *chos* from them.

"The procedure laid down in the Bill is as follows. In the first place Section 3 empowers the Local Government to issue a notification in the *Punjab Gazette* declaring that it is desirable to provide for the better preservation and protection of any particular area which is to be brought under the provisions of the Act, situated in or adjacent to the Siwáliks or affected by *cho* action. Thereupon any general orders issued under Section 4 and declared on issue to be applicable to all areas which may be notified, and any special orders which may be issued under Sections 4 or 5 with reference to the notified area in question, will come into force as regards such area. These orders will under the provisions of Section 6 be published in the *Punjab Gazette* and will state that Government is satisfied that the restrictions imposed by them are necessary ; and a public notice of the effect of them will, under Section 8, be given by the Deputy Commissioner. Orders, whether general or special, issued under clauses (*a*)—(*c*) of Section 4, are subject to strict limitations. So far as the clearing and cultivating of land or the quarrying of stone and burning of lime are concerned, they cannot affect any action *taken* BEFORE the date of the notification declaring the area in which these rights have been exercised to be a notified area ; while as regards the cutting of trees and the removing of forest produce, they cannot affect anything which is done for the *bonâ fide* domestic and agricultural purposes of the

inhabitants of the notified area. On the other hand the practices of firing the hill sides and of grazing sheep and goats, which are the principal causes of the damage resulting from *chos*, and the prohibition of which will in the opinion of many Forest experts be almost sufficient of itself to largely secure the reboisement of the now denuded hill sides, can be absolutely forbidden under clauses (*d*) and (*e*) of Section 4. Clauses (*f*) and (*g*) of the same section provide for the minor matters of granting permits for removing forest produce from the notified area and the examination of produce so removed.

"Orders issued under Section 5 must in all cases be special and will be issued to meet special circumstances They may restrict or prohibit the rights of breaking up and cultivating land and the quarrying of stone and burning of lime *though* exercised *before* the date of the declaration of the area to be a notified one,—the rights to cut trees and take forest produce *although* for *bonâ fide* agricultural and domestic purposes,—and the right of pasturing all cattle, and not merely sheep and goats. It may here be noted that the number of sheep and goats pastured in the Hoshiárpur Siwáliks exceeds 50,000. The restriction of existing rights under Sections 4 and 5 is subject to the payment of compensation which is provided for in Sections 14 and 15 of the *Bill*; and the Deputy Commissioner will therefore publish the orders directing such restrictions in every town and village affected, and in doing so will warn all persons who claim compensation for the restriction of rights to appear before him within a fixed period of not less than two months to prove their claims. Sections 14 and 15 make, I think it will be admitted, provision for a full and fair enquiry into such claims, and the amount of compensation awarded will, like all other orders of the Deputy Commissioner with two small exceptions, be subject to appeal, revision and review as in the case of orders of a Collector under Sections 13—16 of the Punjab Land Revenue Act. During the latest investigations into the matter it has been ascertained that the owners of goats and sheep in the Hoshiárpur Siwáliks are not so dependent on their flocks as to be likely to suffer any considerable hardship from the enforced reduction which their exclusion from notified areas will necessarily entail, and these owners have expressed themselves willing to receive the compensation for this restriction which was proposed to them when the matter was under discussion locally. Similarly, it is anticipated that there will be no special difficulties in awarding compensation which will satisfy them to persons whose rights of cutting timber and taking forest produce may be restricted.

"So far the provisions of the Bill affect mainly notified areas within the Siwáliks or immediately at their feet; but Section 9 empowers Government, for two specified purposes of protection, *either* to require the owners of a *cho* bed which is not cultivated nor culturable to carry out those measures, *or* to declare, either in the first instance or upon the owner's failing to comply with such requisition, the bed of the *cho* to be vested in Government for a term of years or in perpetuity, without payment of any compensation. This provision has been inserted in the Bill because no land revenue is assessed on such *cho* beds, and because it is generally impossible for a number of villagers, still more so for a number of villages, to combine to carry out works of protection which if steadily persisted in will often render portions of the land affected by the *cho* culturable. In most cases no doubt the villagers would in the first instance be offered the opportunity of themselves reclaiming affected lands in the *cho* bed; and where this task is entirely beyond their powers they would probably be only too glad that the Government should undertake it, as even if their individual rights in the lands ultimately reclaimed are extinguished, such reclamation will be greatly to the benefit of the adjoining village lands, and the *cho* bed lands actually reclaimed would, if not restored on easy terms of repayment of the cost of reclamation to Government, be ordinarily leased no doubt to members of the village community for cultivation.

"The other provisions of the Bill may be lightly passed over at this stage. Section 13 gives the necessary power to Government officers to enter on to lands notified under Sections 3 and 9, and Section 16 provides for the preparation of a due record of rights in all notified areas. The penalty imposed for the breach of any orders of the Local Government under Sections 4 and 5 is the usual one in such cases, namely, imprisonment which may extend to six months or fine which may extend to Rs. 500 or both."

The Hon'ble MR. FANSHAWE moved that the Bill be referred to a Select Committee consisting of the Hon'ble MR. THORBURN, the Hon'ble KHALIFA SAYAD MUHAMMAD HUSSAIN, the Hon'ble MR. MADAN GOPAL and the Hon'ble the Mover; also that the Bill be published in the *Punjab Government Gazette* in English and Urdu.

The motions were put and agreed to.

PUNJAB LIMITATION (ANCESTRAL LAND ALIENATION) BILL.

The Hon'ble MR. MADAN GOPAL moved for leave to introduce a Bill to regulate the period of limitation of suits arising out of the alienation of ancestral land by persons who are subject to the Customary Law in force in the Punjab. He said—

"The question whether it is competent to a peasant proprietor in the Punjab, belonging to an agricultural tribe, to transfer ancestral land without necessity and without the consent of agnates descended from the same common ancestor to whom the land originally belonged, has been set at rest by judicial decisions too numerous to detail. The *modus operandi* has been to lay the *onus* of proving that he has the power to alienate, in the absence of justifying causes, on him who asserts that power. Inquiries have shown that in respect of ancestral immoveable property in the hands of any individual, there exists some sort of residuary interest in all the descendants of the first owner. The owner in possession is not regarded as having the whole and sole interest in the property, and power to dispose of it so as to defeat the expectations of those who are deemed to have a residuary interest, and who would take the property if the owner died without disposing of it. These persons have a power to control dispositions which act prejudicially to their interests. The alienation gives them a cause of action to have it set aside as against them, so as not to affect their succession. The question on what date their cause of action arises, and from what date the period of limitation for such suits commences to run, has been the subject of conflicting rulings by the Chief Court. It must be remembered that this system of tenure is peculiar to the Punjab. It is unknown in other parts of the country, and, consequently, we have no distinct and specific provision made to govern cases relating to it in the Indian Limitation Act, 1877. The question first came up before Mr. Justice Barkley, and his decision is reported as No. 48, P. R., 85. The point was not, however, properly argued at the Bar, and the decision proceeded on the merits of the case. It was seriously raised for the first time before Mr. Justice Plowden, and his decision is reported as No. 10, P. R., 90. It was contended before him that the case of the childless proprietor was analogous to that of the Hindu widow. Both had a restricted power of alienation; and as the cause of action of the husband's agnates to question the widow's alienation arises on the widow's death, the same rule should hold good in the case of the male proprietor's alienation. Mr. Justice Plowden held that this contention was based on false analogy. "The male proprietor is full owner with a restricted power of alienation. A widow has a limited interest. In the case of the male owner, the successors in title on his death are *his* heirs; in the case of the widow, the successors are the heirs, not of the widow, but of the last owner before the widow. As a rule, possession under a title created by the widow during her life interest is not adverse to the reversionary heirs. It is different when the owner alienates: then the possession of the alienee is adverse to the owner, and to all persons who claim under him." He accordingly held

that, in the case of an alienation by a male proprietor having by custom a restricted power, the cause of action arises on the date of alienation, and the period of limitation for a suit to set aside the alienation commences to run, under Article 120, from the date of the alienation or from the time when the fact of alienation comes to the knowledge of the heir.

" The question again came up for discussion before a Full Bench consisting of Sir M. Plowden, S. J., and Messrs. Rivaz and Stogdon, JJ., in No. 116, P. R., 90, where it was held that where the suit for possession was brought by the heirs within 12 years of the alienation by the male proprietor, it was within time. The point was still left undecided as to when the cause of action in such a case arises, and from what point the period of limitation commences to run. The next case bearing on this point is No. 141, P. R., 92, where Benton and Rivaz, JJ., held that an agnate of a male childless proprietor claims through the latter within the meaning of Section 3 (1), Limitation Act, and his suit for possession brought more than 12 years after the date of alienation was barred under Article 142, because the alienor discontinued possession on the date of alienation. The essential ground of this decision, as well as of those preceding it, was that the agnate claimed the right to sue through the alienor. This view was called in question in No. 18, P.R., 95, where it was contended that the reversioner's title to sue was not derived from the alienor but from the common ancestor. A distinction was drawn between right to possession and a right to sue for possession. It was stated—" granted that the collateral heir derives his right to possession on the death of the last holder, through the last holder from the common ancestor, yet his right to sue for possession on the last holder's death is not a right derived from or through the last holder, because the last holder himself had no right to sue for possession of property alienated by himself. The two rights are distinct, and must be so treated in construing the Limitation Act." It was conceded that this class of cases was a *casus omissus* in the schedule to the Limitation Act, because in 1877 the peculiar position of landholders in the Punjab was not in the cognisance of the Legislature, and was not even fully known to the Punjab Courts.

" The ruling of the Full Bench (Roe, C. J., and Frizelle and Rivaz, JJ.) was to the effect that Article 142 did not apply, because the reversioner did not derive his right to *sue* from or through the last holder. " His right is derived from no individual, but from the customary rule, which places a restriction upon the owner's powers of disposition of ancestral property, and renders him liable to be controlled by his collateral heirs. Such a right never accrued to the alienor himself, and, therefore, cannot be passed on by him to his successors." They, therefore, fell back upon Article 144, and held that the possession of the alienee became adverse to the reversioner, not during the lifetime of the alienor, but from the moment of his death.

" It should be noted that in the similar case of an alienor having lineal descendants, in respect to an alienation by him, the cause of action of the son arises on the date of alienation—Article 126. Is there any reason why, in the case of collateral succession—where the right, if anything, is weaker—the starting point of limitation should be any other ? The result of this Full Bench ruling has been exceedingly disastrous to the people of the province. Alienations which took place shortly after the acquisition of the province by the British, at a time when nobody imagined that a proprietor had limited ownership, or that his alienation could be called in question, are now being constantly challenged. Titles accepted on the strength that owners had full powers of alienation, and that in any event 12 years' possession would give a parliamentary title, have been placed in jeopardy, and call for protection as a matter of justice. After this great lapse of time, the alienees find it most difficult—nay impossible—to prove that the alienor parted with the property under the pressure of necessity. To produce witnesses to a transaction of such long date is impossible. Even if some were produced, it is not likely that they would be witnesses of truth. Their memory

of it must, in the nature of things, be very feeble, and the Courts would be found unwilling to attach much credibility to statements made under the circumstances The result is that titles of long duration, and possession of sometimes fifty years' standing, are liable to be set aside, and innocent people find themselves deprived of their properties purchased for full and valuable consideration by reason of an *ex post facto* view of rights working retrospectively. That such a state of things is much to be deplored, and that it calls for a speedy remedy, will admit of no question.

" The Judges of the Chief Court were the first to bring the matter to the notice of Government. They admitted that till 1895, it had been the general belief that 12 years' actual possession gave a good title, but that this general belief had been shown to be unfounded in law by the Full Bench ruling. They feared that the decision would lead to very serious consequences,—hundreds of titles hitherto deemed secure may be called in question,—and they, therefore, suggested that the Limitation Act should be amended by the following additions :—

(1) Article 126 (*a*) : By a person governed by customary law in the Punjab to set aside an alienation of ancestral property, 12 years—when the alienee takes possession of the property.

(2) Article 141 (*a*) : By a person governed by customary law in the Punjab and entitled to possession as heir to recover possession of ancestral property alienated by an ancestor or a kinsman, 12 years—when the alienee takes possession of the property.

And they added that these provisions should be allowed to come into force at once, so that the hundreds of titles which are now open to being impugned might be made safe.

" After some discussion, proposals to give effect to these suggestions were formulated and circulated for the opinions of judicial and executive officers. Some distinguished executive officials objected to the principle of the proposed legislation on the ground that it would lead to facilitate alienation of ancestral land ; others concurred in the advisability of declaring the law on the subject in order to give security to title. Having considered the whole question Your Honour was of opinion that no good results could be expected from using such means to discourage alienation as are furnished by the wholesale unsettling of titles of alienees. Insecurity of rights conferred by transfer is more likely to disturb the course of business, impair agricultural credit, and lower the price of land, than to diminish the political and social evils which result from reckless alienation. The Government of India were therefore addressed on the subject. In January last sanction was conveyed by the Government of India to the necessary legislation being proceeded with in the Provincial Council. It was pointed out that, as the measure provided a special period of limitation relating to a local matter, the proposed legislation should take the form of an independent enactment of the Local Legislature. In accordance with these views the present Bill has been prepared."

The motion was put and agreed to.

The Hon'ble MR. MADAN GOPAL introduced the Bill.

The Hon'ble MR. MADAN GOPAL moved that the Bill be referred to a Select Committee consisting of the Hon'ble MR. DANE and the Hon'ble the Mover; also that the Bill be published in the *Punjab Government Gazette* in English and Urdu.

The motions were put and agreed to.

ADJOURNMENT.

The Council adjourned to November 2nd, 1899.

E. W. PARKER,

SIMLA : }
The 16th August 1899. } *Secretary to the Legislative Council of the Punjab.*

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PUNJAB AND ITS DEPENDENCIES.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations.

PUNJAB GOVERNMENT.
LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE LIEUTENANT-GOVERNOR OF THE PUNJAB, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892 (24 & 25 VICT., C. 67, AND 55 & 56 VICT., C. 14,)

THE Council met at the Council Chamber, Government House, Lahore, on the 2nd November 1899.

PRESENT :

His Honour Sir WILLIAM MACKWORTH YOUNG, K.C.S.I., Leiutenant-Governor of the Punjab, ***presiding.***

The Hon'ble C. L. TUPPER, C.S.I.

The Hon'ble L. W. DANE.

The Hon'ble S. S. THORBURN.

The Hon'ble *Rái Bahádur* MADAN GOPAL.

The Hon'ble *Nawáb* Sir AMIR-UD-DIN AHMED KHAN, of Loharu, K.C.I.E.

The Hon'ble *Sardár* BHAGAT SINGH, C.I.E., Chief Secretary to His Highness the Rája of Kapurthalla.

NEW MEMBERS.

The Hon'ble MR. THORBURN, the Hon'ble MR. MADAN GOPAL, the Hon'ble Nawáb Sir AMIR-UD-DIN AHMED KHAN and the Hon'ble Sardár BHAGAT SINGH took their seats in Council.

PUNJAB LIMITATION (ANCESTRAL LAND ALIENATION) BILL.

The Hon'ble Mr. Madan Gopal presented the Report of the Select Committee on the Bill to regulate the period of limitation of suits arising out of the alienation of ancestral land by persons who are subject to the customary Law in force in the Punjab, and, in doing so, mentioned that the report required the republication of the Bill.

SIND-SAGAR DOAB COLONISATION BILL.

The Hon'ble Mr. Tupper moved for leave to introduce a Bill to establish the title of the Government in land to be acquired for the purpose of colonising portions of the *Sind-Ságar Doáb*. He said :—

"On the last occasion on which I had the honour to address this Council I ventured to congratulate you, Sir, on the accomplishment of a measure, long desired by all Revenue Officers, which owed its acceptance and the principle which brought about its acceptance to your initiative as Financial Commissioner. The measure which I am now about to ask leave to introduce is also in part a Revenue Officer's Bill, and it is, at least as much as the Riverain Boundaries Act, the result of your personal exertions as Financial Commissioner. I think, Sir, it must be satisfactory to you as President of this Council to see measures which you devised in another capacity reaching their fulfilment in the shape of enacted law.

"We have, however, to look for a few moments behind the actual structure of the Bill to discern the large and operative causes, fraught with social consequences of great importance, which induced you to give time and trouble to the subject of the measure. Regarded from this point of view the Bill is the result of two great and closely connected movements which have characterised the administrative history of the Punjab during the last forty years. I refer to the spread of canal irrigation and the systematic colonisation of waste lands, the property of Government. We have obtained, one after another, the Bári Doáb Canal, the Sirhind Canal, the re-alignment and extension of the Western Jumna Canal, the Chenab Canal, and the commencement of the Jhelum Canal. When the Jhelum Canal shall have been completed, it will be admissible to call the Punjab, the land of five great rivers, the land also of five great canals. The area irrigated by canals in this Province has expanded from 760,000 acres in 1865-66 to 5,214,258 acres in 1897-98. Doubtless before 1885 there was some colonisation of the waste by private and unguided enterprise. But the systematic colonisation to which I refer, based on the principle of relieving congested districts by settling selected cultivators under suitable conditions on lands, the property of Government, begins with the experiment on the Sidhnái Canal, initiated in 1885 and brought to a successful issue in 1888. The experience gained on the Sidhnái suggested the more systematic and comprehensive proceedings in the Chenab Colony: and it is the experience gained both on the Sidhnái and on the Chenab which has largely prompted the present measure.

"One Doáb after another having fallen under the dominion of the Irrigation Department, when the Jhelum Canal has been completed the Sind-Ságar Doáb will remain. It is the hope of the Punjab Government that eventually a canal will be made for that Doáb drawing its waters from a point near Kálabágh on the Indus and commanding an area of some 7,000 square miles, of which 4,600 square miles are in the Dera Ismail Khan District and the rest in the districts of Bannu, Shahpur, Jhang and Muzaffargarh. The main object of the present measure is to bring the fulfilment of that hope within the range of practical administration.

"If the experience since gained in the Chenab Colony had been available in 1875, I doubt not that the settlement of the Dera Ismail Khan waste lands would have been made on a different principle. Sir James Lyall, the Settlement Commissioner, did indeed suggest a stipulation that, were a canal to be constructed in the *Thal* tract, the settlement might be revised and the excess waste separately dealt with. But I do not think Sir James Lyall contemplated the resumption of the excess waste for the purpose of colonisation: and at any rate his proposal was not accepted by the higher Revenue authorities of the day, and it was not considered necessary to do more than reserve in some fifty-eight villages power to take, without compensation, land required for the bed and banks of a canal or for roads or buildings. Subject to this condition, where it applied, the Settlement Officer effected a partition of rights between the Government and the landholders. He alotted most of the waste to the villages according to the number of cattle, sheep and goats enumerated at settlement, and formed the residue into Government *Rakhs*. In this way the villagers obtained nearly two million acres—more precisely 1,974,160 acres—in addition to 270,969 acres previously held by them in proprietary right. The Government retained 700,714 acres as reserves. The enormous area of waste made over to the villagers was assessed at an average rate of Re. 1-4-0 per 100 acres, and this apparently generous concession has by no means proved an unmixed boon. Between 1886 and 1890 years of drought occurred, causing great loss of cattle, and the pressure of the grazing assessment was severely felt. The Settlement Officer had foreseen the possibility that the waste might in some cases be found to be more a burden than a benefit, and had indicated the remedy to be applied. 'If,' he wrote, 'a village has enough cattle for its grazing, it can readily pay the revenue; if the revenue presses heavily in proportion to the cattle, it is a proof that the grazing area is in excess of its requirements, and the Government would at all times be ready to resume the surplus, making a corresponding reduction in the demand.' This passage, Sir, indicated to you the main principle which underlies the Bill. As Financial Commissioner you were reviewing proposals for a fluctuating assessment which had been suggested by the calamities of the season already mentioned, and you suggested the acquisition by Government of the waste in excess of village requirements with a view to the future colonisation of the tract. The settlement gave the people more waste than they wanted, much more than that for which they were able to pay. We propose, not arbitrarily to resume a mistaken gift, but, freely acknowledging that we were committed to a gift which we cannot resume, to acquire by fair bargain that which benefits the people but little now, but which will, in the proper hands and by the treatment intended, enormously benefit alike the people and the State, because, unless our hopes are frustrated by unforeseen events, a wide wilderness will be converted into a canal-irrigated colony, such as we have on the Chenab.

"Your suggestions were made in June 1892, and in the same month the Irrigation Department was consulted. Colonel Ottley, the Irrigation Secretary, pointed out that if colonisation were left to unaided private effort, the financial return would come in too slowly to warrant the expenditure; and that the original property of the villagers, the 270,969 acres already mentioned, was now practically worthless, but if commanded by a canal would become a valuable property indeed. Thus the verdict of the Irrigation Department was no land, no canal; and this verdict, I understand, still holds good.

"It was at first in contemplation to acquire the land by negotiation without the support of a special Act. Your suggestions of June 1892 were communicated to the people, and in August 1892 you met the leading zamíndárs of the Bhakkar and Thal villages and discussed the matter with them. Munshi Ganga Rám, a retired Extra Assistant Commissioner, now Honorary Magistrate at Kunjah in the Gujrât District, was then deputed to confer with the zamíndárs and explain the intention of Government. Munshi Ganga Rám was well qualified

for this duty both by sterling qualities which have commanded the respect alike of his own countrymen and of his official superiors and by his local experience gained as Sub-Divisional Officer of *Bhakkar*. He prepared the way, Sir, for another visit to the spot by yourself, which was made in February 1893. At that time the Lieutenant-Governor, Sir Dennis Fitzpatrick, was on tour in the Dera Ismail Khan District, and, after fully reconsidering the situation in the light of the negotiation with the zamíndárs, you discussed with your predecessor the scheme which is now embodied in the Bill. The most important condition in the draft form of agreement, then prepared, was that one-fourth of the area to be acquired by the Government should be re-allotted to the zamíndárs on the construction of the canal. The value of this concession, for which provision is made in Section 5 (1) (*b*) of the Bill, is measured by the difference between the waste prairie value of some 482,886 acres and the value which the same quantity of land will acquire when it is commanded by a canal. You, Sir, however, satisfied yourself that we could not obtain what we wanted on cheaper terms.

"The proceedings of February 1893 were followed by a long correspondence with the local officers, the Government Advocate and the Government of India, of which the text was the draft form of agreement mentioned just now. I need not attempt to follow that correspondence in detail. It will suffice to explain briefly why legislation has been accepted as necessary, and why the Land Acquisition Act has been deemed unsuited to the case.

"Legislation is necessary because Government must have a clear title to the waste acquired, not only to enable it to make valid grants under a colonisation scheme, but also to ensure that a clear title shall be given to the zamíndárs themselves when one-fourth of the acquired area is re-allotted to them. It would be an intolerable miscarriage of the whole scheme if grants made by Government, whether to colonists or local zamíndárs, could be impugned on grounds of defect in the agreements for surrender. The alienation of agricultural land in the Punjab is subject to restrictions usual in other countries, such as those which invalidate alientions attempted by minors or persons of unsound mind, and also to certain special restrictions imposed by Customary Law, such as the right of pre-emption and the requirement that the alienation of ancestral land, save for necessity, shall be subject to the consent of the agnates. It is a consequence of those restrictions that when we are operating on a large scale, acquiring some two million acres in a waste tract of country from numerous villages, we cannot be sure of a clear title unless we have a statutory guarantee.

"Doubtless the title under the Land Acquisition Act is clear enough. But the application of that Act would wreck the scheme financially, and give the local zamíndárs more than is just to them and more than they are themselves willing to accept. It is true the Act declares that no increase to the value of the land acquired, likely to accrue from the use to which it will be put when acquired, shall be taken into consideration in assessing the market value for the purposes of the Act. But if it was decided to construct the canal, the actual market value of the waste at the date of the declaration of the intention to acquire—and it is this that constitutes the market value of the Act—would rise greatly, and even if it rises to no more than ten rupees an acre, the cost would then be prohibitive, and the canal would never be made. Moreover, if, as appears to be the case, the people, or most of them, are ready to accept our terms, why should we offer them better terms and, in particular, why should we give fifteen per cent. above the market value, as we should be forced to do under the Land Acquisition Act? Lastly, why should we do this for men whose original holdings will acquire an enormously enhanced value by no effort of their own? There is no justification for this double benefit at the public expense, and the Land Acquisition Act was evidently never meant to meet a case like the present.

"I have to add the caution that Government is not pledged to construct a canal in the Sind-Ságar Doáb. We hope the canal will be constructed, but it certainly never will be constructed unless the Bill, or some modification of it, is passed into law. The Bill enables the land-owners, occupancy-tenants and right-holders of the locality to surrender their lands under valid agreements, and thus to restore to the Government the waste which was given away at settlement, as I have described. But those agreements will take effect only on and from the date on which the work of constructing a canal in the Sind-Ságar Doáb is commenced by the Government. Till that date the proprietary right will remain with the zamíndárs.

"With these remarks I ask leave to introduce the Sind-Ságar Doáb Colonisation Bill. I have confined myself to a general account of the objects and history of the measure. The particular mechanism by which it is proposed to give effect to the intention of Government will be more appropriately discussed on some future occasion."

His Honour the PRESIDENT said:—"The Hon'ble Mover has fully explained in his interesting speech the object of the Bill which he has asked permission to introduce, but I shall make no apology for briefly covering the same ground, as I think it important that I should distinctly identify myself with a measure which is of great importance, and which certainly requires a certain amount of explanation.

"The scheme, for the furtherance of which this Bill has been framed, is the construction of a canal from the Indus to irrigate the Sind-Ságar *Doáb*. As the Indus is the largest of our Punjab rivers, so is this scheme larger than any of the great irrigation schemes hitherto carried into execution in this Province, which have been its mainstay in seasons of drought such as that through which we are passing. The supply of water in the Indus river is practically unlimited, the area capable of receiving irrigation from it is computed at 7000 square miles, or about four-and-a-half million acres. This is nearly as large an area as the total area now annually irrigated by canals in the Punjab, so the magnitude of the undertaking will readily be recognised. And our experience in the case of the Chenab Canal has abundantly proved the incalculable benefit conferred upon the Province by such large irrigation works, which not only swell the resources of the country, and largely increase the food-supply, but also relieve the congested population of the densely inhabited tracts, and contribute materially to the expansion and development of agricultural industry. The initial outlay upon the Sind-Ságar Doáb Canal will be very large, probably not less than six or seven crores of rupees, and it will be impossible to face this outlay unless we can be sure that the lands commanded by the canal will speedily be brought under cultivation and an adequate return secured. This cannot be, unless the Government has power to introduce colonists from other parts of the Province, for the population of the Doáb is extremely sparse. And Government can only do this, if it holds the land in proprietary right. With the exception of some 700,000 acres of Government land reserved as *Rakhs*, the whole of the waste area of the Bhakkar and Leiah *Thal* was at the last settlement allotted to the villages of the Doáb. It was not then realised that any important object would be served by maintaining the right in the waste which then pertained to Government, and it was abandoned. The Chenab Colonisation has shown our mistake, and an attempt is being made to rectify it. Our position is this: the canal cannot be constructed unless Government recovers the control of the greater part of the waste; the waste is scarcely of any value without the canal; the people will be immensely benefitted if they are able to irrigate a small portion of that waste. Hence both parties, the State and the owners of the waste, will reap advantage from a compromise, under which these owners shall restore to Government the bulk of the land entered as common lands of the village at the last settlement, and thus

enable it to embark upon the canal, which will enrich them by irrigating the lands which they retain. Unless such a compromise is arrived at, matters must remain in *statu quo*, and the Sind-Ságar Canal project must be indefinitely postponed. The Bill which is being introduced does not provide for forcing this arrangement on the owners of the waste. The only inducement we desire to bring to bear on them is self-interest. If they do not believe that they will profit by the scheme, they are at liberty to leave it alone. But it has been already ascertained that a large number of owners are willing to enter into such an arrangement, and the object of the Bill is to remove certain obstacles in the way of carrying it out. However anxious the people may be to make over to Government the waste area in question, the existing law and custom of the country are such as to prevent their conveying to the Government an absolute title in the lands surrendered. To enable them to do so is the object of the Bill.

"I have thought it necessary to make this brief statement, to prevent misunderstanding which might easily attach to our proposals. I remember when the subject was first mentioned to Sir Dennis Fitzpatrick, he declined to have anything to say to it, until the Irrigation Department should assure him that without the surrender of the waste the Government could not contemplate the construction of the canal. The Chief Engineer of the time, Colonel Ottley, emphatically declared that this was so, and Sir Dennis accepted the fact that what we were asking the people to do was for their own advantage, as well as for the advantage of the Province generally. This belief has been shared by all who have had to deal with the subject, and it is in this belief that the Government of India and the Secretary of State have sanctioned our plan of operations, and have agreed to the introduction of this Bill for the purpose of facilitating it. If we are successful in getting all the owners of the waste in question to share the same view, then there is a prospect of the Sind-Ságar Doáb project being carried to completion without many years' delay. If otherwise, I do not see how this vast scheme is to be worked within the next century. The Great *Thal* must then remain a sandy desert, and the waters of the Indus must flow on in their bed, instead of spreading fertilisation far and wide. We believe that the people will see their best interests and co-operate with the Government in making the canal possible. In any case the Bill before us merely renders it possible for them to do so, and is manifestly the first step towards the execution of the project."

The motion was put and agreed to.

The Hon'ble MR. TUPPER introduced the Bill.

The Hon'ble MR. TUPPER moved that the Bill be referred to a Select Committee consisting of the Hon'ble MR. BERESFORD, the Hon'ble Nawáb MUHAMMAD HYAT KHAN and the Hon'ble the Mover.

The Hon'ble MR. THORBURN asked whether the 700,000 acres mentioned as reserved, as Government *Rakh* land, included any portion of the Miánwáli *Thal*.

The Hon'ble MR. TUPPER replied in the negative, pointing out a passage in the papers connected with the Bill where the 700,000 acres were mentioned as belonging to the Bhakkar and Leiah *Tahsíls* only. He added that the only reference in his speech to the Bannu District, was where he described the area to be commanded by the proposed canal as including 4,600 square miles in the Dera Ismail Khan District and 2,400 square miles in other districts, among which was Bannu.

The Hon'ble MR. THORBURN then explained the reason why he had asked the question, *viz.*, that when he was Settlement Officer of Bannu he had reserved for Government a large area in the Miánwáli *Thal* with a view to the possibility of a canal being constructed which would command it.

The motion was put and agreed to.